

ABSTRACT

Title of Dissertation / Thesis: A CASE STUDY IN THE FORMATION OF A
SUPER –RABBI: THE EARLY YEARS OF
RABBI EZEKIEL LANDAU, 1713-1754

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The eighteenth century is usually thought of as the dawn of modernity in Jewish history. While this is true, it was also a time when pre-modern Jewish culture flourished and dominated Jewish life throughout Central and Eastern Europe. This culture was religious in nature, deriving its self-image, institutions, and norms primarily from Talmudic and post-talmudic teachings and literature. The most important group in this culture was the intellectual class, the rabbinic scholars. By the seventeenth century, an official and professional rabbinate had come into being throughout Ashkenazic Jewry. This rabbinate consisted of rabbinic scholars contractually employed by kehilot, official autonomous Jewish communities, in various offices. The highest office was that of communal rabbi or chief rabbi. The communal rabbi was the official religious leader, the guide and legal authority, of the community. Although lay elites held significant and often predominant power, the communal rabbinate was a position of much power and influence, particularly when it was held by a man of scholarly eminence and strong personality. Communal rabbis who gained reputation as men of preeminent scholarship and piety attained a unique

authority that transcended the bounds of their communities and made them the unofficial but real highest religious figures in the Ashkenazic world. These “super-rabbis” were called Gedolim, great ones.” In spite of its importance in pre-modern Jewish history, the rabbinate as a group, particularly the communal rabbinate and the Gedolim, has not received adequate scholarly attention. The rabbinate had an intellectual, professional, and social world of its own. Historians cannot afford to ignore this phenomenon. My study of the early career of Ezekiel Landau (1713-1793), addresses these issues. Landau was one of the greatest communal rabbis and Gedolim of the premodern era, A preeminent public figure of the eighteenth century, Landau spent his life within the world of the rabbinate and reached the highest rungs of fame and achievement. His was a model rabbinic career. A study of his life reveals how one became a scholar, a communal rabbi, and finally a Gadol.

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YEARS OF RABBI EZEKIEL LANDAU, 1713-1754

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Thesis or Dissertation submitted to the Faculty of the Graduate School of the
University of Maryland, College Park, in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
2004

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Acknowledgements

It is my pleasant duty to thank the Meyerhoff Center for Jewish Studies for the financial aid extended me over the years. The Center financed all expenses connected with this dissertation. The directors of the Meyerhoff Center, Marsha Rozenblit, Bernard Cooperman, and Hayim Lapin have always been more than helpful.

On a personal note, I take this opportunity to thank Marsha Rozenblit and James Harris for their friendship and guidance. They have always managed that difficult combination of genuine and warm personal empathy with uncompromising insistence on scholarly rigor. It is I who has been the gainer.

In Bernard Cooperman I found, not just a historian of quality, elegance, and wit, but a friend who understood me and accommodated my foibles even as he constantly, ceaselessly, challenged and prodded me to do better, to refine, to never feel satisfied with any work that did not measure up to his exacting standards. Though I often kicked and screamed, I learned much from a master teacher. If I have at all succeeded in measuring up to his standards of rigor and style, the fault is his. To the degree that I have not, the fault is mine.

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A Case Study in the Formation of a Super-Rabbi: The Early Years of
Rabbi Ezekiel Landau, 1713-1754

In the course of the eighteenth century, traditional Ashkenazic rabbinic culture was subject to stresses and strains, and ultimately to crisis. Two dynamic movements, the Haskalah or Jewish Enlightenment on the one hand, and Hasidism on the other, fatally weakened the existing religious order. In the vivid language of Graetz, "Reason and Unreason seemed to have entered into a covenant to shatter the gigantic structure of Talmudic Judaism."¹ Indeed, the emergence of these movements indicates the powerful pressures weighing upon pre-modern rabbinic culture at the dawn of modernity.²

Yet it would be a mistake to regard eighteenth century rabbinic culture as exhausted, in a state of decline, or decadent. On the contrary, the traditional rabbinate and its values flourished during this century and produced an impressive number of powerful and charismatic

¹H. Graetz, *History of the Jews* V (Philadelphia, 1895), 375.

² Jacob Katz, *Tradition and Crisis*, translated by Bernard Cooperman (New York, 1993); *idem*, "The Turning Point of Modern Jewish History: The Eighteenth Century", in *Vision Confronts Reality; Historical Perspectives on the Contemporary Jewish Agenda*, Ruth Kozodoy (ed.), (New York, 1989), 40-55; Chimen Abramsky, "The Crisis of Authority Within European Jewry in the Eighteenth Century", S. Stein and R. Loewe (eds.), *Studies in Jewish Religion and Intellectual History Presented to Alexander Altmann* (Alabama, 1979), 13-28.

personalities who published great works of rabbinical scholarship and who served as heroes for tens of thousands. Jonathan Eibenschutz could, over the course of his career, attract more than twenty thousand students from all over Europe to study with him. Ezekiel Landau could draw several thousand over the course of four decades.

If formal power in the *kehilot*, the autonomous Jewish communities of Ashkenazic Europe, was the prerogative of the wealthy, the highest honor was still accorded to the rabbinical scholar. Salo Baron's tart observation that "the aristocratic governments of the Italian, Polish, and Dutch communities in the seventeenth and eighteenth centuries placed the rabbis in an awkward position of theoretical supremacy and actual inferiority,"³ is not as accurate as Jacob Katz's more nuanced assessment:

The two forms of communal leadership - that of the *parnasim* [wealthy lay leaders] and that of the rabbis - were closely linked and dependent upon each other, and neither could exist or function without the aid of the other. Of course, such mutual dependence also led to frictions and disputes over prestige, jurisdiction, and the division of labor. The balance of power shifted from place to place, and...different equilibria [were] arrived at by these two forms of authority within the *kehila* (Jewish community).⁴

A similar evaluation of the rough equivalency of power between the communal rabbinate and the communal leadership was made by Simha Assaf, who asserted that the communal rabbis and the lay leaders in the Polish communities were engaged in a constant struggle, "sometimes open, sometimes hidden."⁵ The balance of power between the two groups, Simon Schwarzfuchs pointed out, can be discerned by reading rabbinical contracts. The communal rabbi was hired by

³Salo Baron, *A Social and Religious History of the Jews* III (New York, 1937), 122-123.

⁴*Tradition and Crisis*, 75.

⁵Simha Assaf, "Le-Korot ha-Rabbanut," *B'Ohalei Yaakov* (Jerusalem, 1943), 54.

a kehillah who spelled out his powers as well as the limitations on those powers in a detailed contract. Such contracts, of course, reflected the power relations between rabbi and lay leaders.⁶

Thus, Torah scholarship was highly valued, and those who were perceived to excel in such scholarship were very highly regarded. Crisis or no, the eighteenth century was decidedly a century of tradition.

The rabbinate, especially the rabbinical leadership group composed of the great scholars and the rabbis of leading communities played a central role in the Jewish world of the eighteenth century. The world of scholarship is hierarchical. Usually, the greatest scholars occupy, sooner or later, the most important positions. The same was true of the world of rabbinical scholarship.⁷ And in the eighteenth century such a world existed and flourished, for there were many thousands of rabbinical scholars who applied themselves to the study and mastery of the vast rabbinic literature. After all, traditional Jewish education consisted of nothing other than the study of rabbinical literature.⁸ Every pre-modern Jew who pursued the usual curriculum was a rabbinical scholar of one kind or another, or of one level or another. The "rabbis" were those who had attained some proficiency in the literature regardless of whether or not they served as rabbis of congregations or as judges; there certainly were many great scholars who did not occupy a pulpit or any other rabbinical post and did not wish to do so, including such prominent

⁶Simon Schwarzfuchs, *A Concise History of the Rabbinate* (Oxford, 1993), 50-60.

⁷"There was a sort of unofficial hierarchy of scholars qualified to rule on Jewish law even though its ranks were not clearly defined or marked. 'Spontaneous' public opinion in the *kehila*, in the *supra-kehila*, or even within the Jewish world at large determined the place of each jurist in this hierarchy of halakhic authority." (Jacob Katz, *Tradition and Crisis*, 143)

⁸See chapter two of this dissertation for a detailed discussion of pre-modern Jewish education and its curriculum.

eighteenth century rabbis as the Gaon of Vilna and Jacob Emden.⁹ Still, it seems that it was the ambition of most scholars to secure such a post with the salary, power, and social and professional prestige it carried. This "professional rabbinate" was also hierarchical, running from the lowly assistant rabbinical judge of a tiny village or of a synagogue within a small community, to the great communal rabbis of large, wealthy and influential communities.

It was the communal rabbi who had the greatest field for the exercise of his abilities, for the communal rabbi was expected to be not merely a great scholar but the highest legal authority in the community. It was his responsibility to oversee the conduct of the communal institutions, especially the courts, and to issue rulings on difficult and controversial matters which the community's lower courts would refer to him. This duty required professional competence as well as political sophistication, for controversy could destroy a *kehilah*. In addition, it was expected that the communal rabbi would function as a *rosh yeshiva*, head of a school in which he would teach advanced students on a daily basis.¹⁰

The demands of the office of communal rabbi were therefore such as to require major scholars, men whose scholarship could command the respect of the local scholars and rabbis. If they did not acknowledge his superiority in learning, the communal rabbi's position was fatally undermined.¹¹ The great communal rabbis of the eighteenth century were therefore by definition the greatest scholars of their generation.

⁹For the Gaon of Vilna, see E. Etkes, *Yahid be-Doro: Ha-Gaon mi-Vilna - Demuto ve-Dimui* (Jerusalem, 1998). For Emden's career, see Jacob J. Schacter, "Rabbi Jacob Emden: Life and Major Works," PhD. diss., Harvard University, 1988.

¹⁰See chapter four of this dissertation, where these rabbinical roles are discussed in detail.

¹¹אוי לו להרב אם נמצא בקהילתו למדן גדול ממנו המקפחו בהלכות (Assaf, *B'Ohalei Yaakov*, 30). Ezekiel Landau himself was challenged in this fashion early in his Prague rabbinate by several eminent local scholars, see chapter six of this dissertation. See also Mordechai Breuer, *Rabbanut Ashkenaz bi-Yemei ha-Binayim* (Jerusalem, 1976), 23.

Not surprisingly, there existed a kind of rabbinic career-path. First a scholar would become the rabbi of a small, relatively unimportant community. If he could somehow shine here, either through publication of a scholarly work or through impressing others who would spread his reputation by word-of-mouth, he would be offered the communal rabbinate of a larger community. Eventually, he would be elected to a first-rank community, often one of the ancient and prestigious or well-paying German communities or their satellite-communities in Bohemia, Moravia, or Western Europe.¹² Whether or not his reputation would continue to grow depended upon how he conducted himself at each stage.

The rabbis of important communities, then, were the "super-rabbis" of the eighteenth century, the *gedolei ha-dor*, the "great ones of the generation." Judaism lacks a formal ecclesiastical hierarchy, but an informal one certainly exists.¹³ Lesser rabbis turned to these *gedolim* when they needed an answer to a difficult question of law, a question they were themselves unable to answer or which they did not feel comfortable enough to answer on their own, soliciting a concurring opinion of the *gadol*. Such a concurring opinion would protect these lesser rabbis from criticism. "If you reply do so clearly and unambiguously, so that we may be able to rely upon your opinion!" pleads the author of a letter sent to Ezekiel Landau by a small-town court of competent but undistinguished rabbinical scholars.¹⁴ Quite often lesser scholars would correspond with the great communal rabbis simply for the intellectual satisfaction of intercourse with a great mind, or for the prestige bestowed by association with the great; hence the numerous letters from lesser rabbis to greater ones on non-legal matters. Such

¹²Assaf, 60.

¹³See the discussion concerning the phenomenon of these *gedolim* in Schwarzfuchs, *A Concise History of the Rabbinate*, 55-56.

¹⁴*Noda B'Yehudah Even ha-Ezer* I: 36. This responsum is discussed fully in the fourth chapter of this dissertation.

correspondence typically dealt with questions of Talmudic or aggadic interpretation, subjects of no practical legal import to the correspondents. Ezekiel Landau, for example, responded over the years to queries submitted to him by the famous rabbi of Breslau, Isaiah Pick Berlin (1725-1799) concerning why Queen Esther failed to divorce Moesha before she married King Ahasuerus,¹⁵ the identity of the ancient religious poet Elazar Kalir,¹⁶ and incorrect Scriptural citations in the Talmud,¹⁷ among others. To a Sefardi rabbi visiting Prague on behalf of the Jewish community in Jerusalem, Landau wrote an opinion concerning a sukkah constructed from wood from a tree that had been worshiped by idolaters, hardly a practical question in the eighteenth century.¹⁸

The legal opinions of the leading rabbis carried very great weight with the local rabbinates as well as with the laity. The prestige accorded these rabbinical opinions was so great that when great rabbis disagreed with one another and issued conflicting rulings, it engendered much controversy and unrest among the Jewish public, as in the case of the *Get* (divorce) of Cleves in the 1760s.¹⁹ In that *cause celebre*, a man divorced his wife in Cleves and was subsequently found to be insane, legally incompetent. Certain leading German rabbis charged that the man had already been insane at the time he had divorced his wife. This was tantamount to charging that the divorce was invalid and that the rabbinical court of Cleves which issued the divorce was incompetent or corrupt, grave charges indeed. Most importantly, if the divorce were invalid, the wife, if she remarried, would be living in sin, and her offspring from the second marriage would be *mamzerim*, illegitimate, a most severe moral and legal state of disability in rabbinical law and culture. In short, the issues and charges were quite serious. The controversy

¹⁵Noda BiYhudah II 161.

¹⁶Ibid., *Orah Hayim* II 113.

¹⁷Ibid., 88.

¹⁸Ibid., 133.

grew beyond the original disputants, the Jewish courts of Cleves and Frankfurt. *Gedolim*, great rabbis of the day, lined up on either side of the controversy, and their intervention and public dissension powerfully increased feelings of acrimony among both rabbis and laity. Such would not have been the case had the disputants not been men whose opinions were held in such esteem. In this case the disagreements resulted in much ill-will between opposing communities, and the general prestige of the rabbinate, even of the super-rabbinate of world-famous scholars, was badly damaged in the eyes of Jewish public opinion as the opposing sides publicly criticized each other. Although the "Cleves *Get* Affair" was the most famous of these controversies, it was by no means the only one. The lack of unity and sometimes of dignity demonstrated on this occasion damaged the usual, very positive, public image of the super-rabbinate, which depended upon the informal but very real deference of the various communities for its authority and influence.

Despite its importance, the rabbinate, particularly the communal rabbinate, as an institution and in terms of its influence has rarely been studied. The early twentieth century historian Simha Assaf made a preliminary survey of the subject in an essay entitled, "Towards the History of the Rabbinate."²⁰ More recently, Simon Schwarzfuchs gave a much more expanded treatment in his *Concise History of the Rabbinate*. Valuable as it is for its synthetic analyses, Schwarzfuchs' work is limited in size and scope - so much so that neither Ezekiel Landau nor Jonathan Eibenschutz, two seminal figures of the pre-modern rabbinate, even appear in it! Thus, an adequately detailed and comprehensive academic study of this highest of pre-modern Jewish offices remains a desideratum.

¹⁹This controversy, here briefly outlined, is discussed at length in chapter six.

²⁰Simha Assaf, "Le-Korot ha-Rabbanut."

On the other hand, a number of detailed studies of specific subgroups of the medieval and early-modern rabbinate have been published. Avraham Grossman examined the Ashkenazic rabbinate of the tenth and eleventh centuries and discovered that it was composed of elite dynasties of well-to-do descendants of the founding fathers of the Franco-German Jewish communities which had been founded not too long before.²¹ The power and influence of these rabbis derived from their reputation for piety and scholarship, their wealth, and their numerous students, not from any formal or contractual position within the Jewish community. Essentially, Grossman examined the great rabbis, the *gedolim*, of that era. This relatively small number of rabbis were members of the leadership strata of the communities, not outsiders hired by those communities.

In a somewhat similar manner Yedidya Dinari examined the Ashkenazic *gedolim* of Germany of the fifteenth century, whose writings were extremely influential in the Ashkenazic religious culture of the following centuries.²² Again, these *gedolim* may or may not have been rabbis of individual communities; their authority derived, not from their formal roles as rabbis of communities, but from their charisma, their being perceived as the foremost rabbis, the greatest scholars and the most righteous men, of their time.

Casting his net more broadly, Mordechai Breuer published seminal studies of the rabbinate of late-medieval and early-modern Ashkenaz, a term which denoted France and the Holy Roman Empire.²³ Breuer explored various aspects of the social, political, and intellectual world of the mass of Ashkenazic rabbis of France and Germany, not just the *gedolim*. However,

²¹Avraham Grossman, *Hakhmei Ashkenaz ha-Rishonim* (Jerusalem, 2001).

²²Yedidya Alter Dinari, *Hakhmei Ashkenaz be-Shilhi Yemei ha-Beinayim* (Jerusalem, 1984).

²³Mordechai Breuer, *Rabbanut Ashkenaz biYmei ha-Beinayim* (Jerusalem, 1976), and *Ma'amad ha-Rabbanut be-Hanhagatan shel Kehilot Ashkenaz* ["The Position of the Rabbinate in the Leadership of Ashkenazic Communities in the Fifteenth Century"], *Zion* 41 (1976), 47-67.

Breuer's work, a sourcebook with a twenty-two page general introduction, and a twenty-three page essay, cannot claim to be thorough or comprehensive. Breuer perceptively analyzed important aspects of the fifteenth-century rabbinate in the German states, including the ascribed and real social and power positions of the rabbis, their power vis-à-vis the laity, the lay leadership of the Jewish communities, and the non-Jewish authorities. It is of course impossible to treat such a subject thoroughly in a twenty-three page essay. Breuer's work is thus a valuable first-step towards such a study. In a similar manner, Yitzhak Zimmer examined German rabbis of the sixteenth century, men who were much less well-known and who functioned in an era of greatly reduced circumstances, as far as Jews and rabbis in the German states were concerned.²⁴

These historians did not concentrate on the professional (i.e., salaried and contractual) communal rabbinate as such. Indeed, the precise evolution of such a rabbinate is a subject that so far has not been sufficiently elucidated in the historiography. Joseph Shatzmiller demonstrated that professional communal rabbis existed in fourteenth century Aragon.²⁵ Simon Schwarzfuchs asserted that "at the beginning of the sixteenth century the institution of the rabbinate was an accepted fact: every community of size understood that it must have the services of a rabbi and would do its best to employ one."²⁶ On the other hand, Robert Bonfil, in his seminal study of the rabbinate in Italy during the Renaissance, argued that the phenomenon of professional communal rabbis contractually hired by a Jewish community did not appear in Italy until well into the century. According to Bonfil, the practice of hiring professional communal rabbis resulted from a particular set of circumstances, namely, the development of the self-government of Italian

²⁴Yitzhak Zimmer, *Gahaltan shel Hakhamim* (Jerusalem, 1999).

²⁵Joseph Shatzmiller. Rabbi Isaac Ha-Cohen of Manosque and His Son Rabbi Peretz: The Rabbinate and its Professionalization in the Fourteenth Century," Ada Rapoport-Albert and Steven J. Zipperstein (eds.), *Jewish History: Essays in Honor of Chimen Abramsky* (London, 1988), 61-86.

Jewry into formal communal structures, and the desire of the lay leadership who headed these structures to secure religious sanction for the laws they were enacting, a sanction that required the formal support of the enactments by rabbis who commanded respect. Such rabbinical figures did not have to be official rabbis; the sanction of a respected private scholar or yeshiva-head would be quite adequate. However, by the middle decades of the sixteenth century, the prestige of these types of Italian rabbis had eroded for various reasons. Accordingly, the community-leadership adopted the practice of creating an official office with an official halakhic prestige, whose occupants would be able to endow communal enactments with adequate religious sanction.²⁷

Whatever the outcome of this historiographical debate, there is no question that by the seventeenth century an official communal rabbinate was as universal a feature of Jewish life in Europe as kehillot, official and formal self-governing Jewish communities. Every kehilah that could afford it hired a communal rabbi. This was certainly the reality in the eighteenth century.

Bonfil did much more than analyze the origins of the professional communal rabbinate in Italy. In an unprecedentedly comprehensive manner, Bonfil described the actual profession of the rabbi, both the communal rabbi and the private rabbi, who held no official post. Bonfil discussed such basic aspects as the job description, professional requirements, social status, duties and privileges, the scope of its power, and its relationship to the lay leadership and the community at large. In addition, Bonfil explored the intellectual world of the Renaissance rabbinate, including attitudes towards various branches of rabbinical literature, such as Talmud and halakha, midrash, kabbalah, as well as attitudes towards non-rabbinical knowledge, such as philosophy. In short,

²⁶A *Concise History of the Rabbinate*, 50.

²⁷Robert Bonfil, *Rabbis and Jewish Communities in Renaissance Italy* (London and Washington, 1993), 100-116.

though not providing detailed biographical studies of Renaissance rabbis, Bonfil did provide a rather thorough treatment of the world of the Renaissance rabbinate.

These scholars have focused on the rabbinate of the Middle Ages and the Renaissance. The Ashkenazic rabbinate of the remainder of the Early-Modern era, the seventeenth and particularly the eighteenth centuries, has yet to be studied. Preliminary contributions have been made by Haim Hillel Ben Sasson and Isadore Twersky. In a chapter of his study of sixteenth century Polish Jewish culture and society, Ben-Sasson analyzed the world of the contemporary Polish rabbinate in its intellectual and social context.²⁸ The 1500s were the formative years of the institution of the Ashkenazic, particularly Polish, Early-Modern communal rabbinate, and Ben-Sasson's observations are relevant to the rabbinate of the seventeenth and eighteenth centuries. Twersky did devote an essay to a seventeenth-century Ashkenazic *gadol*, Yair Hayim Bacharach of Worms.²⁹ However, in this study Twersky was concerned with intellectual, not social, historical issues. He focused on Bacharach's intellectual universe, on his views concerning different elements of rabbinic and non-rabbinic literature, not on Bacharach's career as a communal rabbi of the first rank.

An extremely important contribution was Jacob Katz's *Tradition and Crisis*, in which Katz sketched the job-description, the functions, obligations, and prerogatives of the seventeenth and eighteenth century Ashkenazic rabbinate. Katz returned to this subject in an important article on the nature of the post-medieval rabbinate.³⁰

²⁸Haim Hillel Ben Sasson, *Hagut ve-Hanhagah* (Jerusalem, 1969), 160-194.

²⁹I. Twersky, "Law and Spirituality in the Seventeenth Century: A Case Study in R. Yair Hayim Bacharach," in I. Twersky and B. Cooperman (eds.), *Jewish Thought in the Seventeenth Century* (Harvard, 1987), 447-467.

³⁰"Le-Toldot ha-Rabbanut be-Motzaei Yemei ha-Beinayim," in *Ha-Halakha be-Meitzar* (Jerusalem, 1992), 247-260

In spite of Katz's efforts, the eighteenth century Ashkenazic rabbinate, especially the "super-rabbinate," remains largely unexplored. If we are to produce a synthetic picture of this Ashkenazic pre-modern super-rabbinate, detailed studies of individual rabbinical figures must be undertaken. This dissertation reflects my conviction that a detailed study of the career of Ezekiel Landau (1713-93) will be an important contribution to this enterprise. Landau was the communal rabbi of Prague for nearly forty years (1755-93), and one of the most celebrated *gedolim* of the eighteenth century, with a truly international reputation. Aside from heading Europe's largest Jewish community in times of internal and external storm and stress, he was the author of the most famous and important responsa collection of the century, indeed, one of the most famous of all times. This work, *Noda BiYhudah*, is a work that continues to play an important role in current rabbinical, especially halakhic, literature and jurisprudence. The *Noda BiYhudah* was first published by Ezekiel Landau himself in Prague in 1776, with a second, posthumous, volume published by his son in Prague in 1811. Since then this two-volume set has been reprinted almost every two years, and continues to appear at the present time, most recently with an elaborate apparatus.³¹ In the opinion of one expert, "Landau's work towers as one of the highest pinnacles in the entire range of the responsa literature."³² According to another academic scholar of

³¹This edition of the Jerusalem publishing house *Makhon Yerushalayim*, which specializes in elaborately annotated and cross-referenced editions of classical rabbinic works, has since 1994 published about half of the *Noda BiYhudah* (*Orah Hayim* was published in 1994, *Even ha-Ezer* in 1995 and 1998), with an entire team of scholars working on the project. The impressive project bespeaks the work's classical status in the rabbinic canon, and the notes testify to the work's widespread influence in subsequent rabbinic literature. In the last five years two new editions, less elaborate in terms of scholarly apparatus but offering new, modern, and more user-friendly and visually-readable texts, have been published in Jerusalem, one in 1998 (by A. Blum Press) and the other in 2003 (by Mir Press). Landau's other works have also been reprinted in the last decade, and in 2003, a thousand-page anthology of his works was published in Jerusalem by Shimon Vanunu under the title *Mi-Beit Midrasho shel ha-Noda BiYhudah*.

³²Solomon Freehof, *The Responsa Literature* (Philadelphia, 1955), 89.

rabbinic literature, "Landau's responsa are among the most famous of all time."³³ In addition, Landau was the author of *Tziyun le-Nefesh Haya (Tzlah)*, a classic of pilpulistic literature, the thousand-year-old literature of comments on the Talmud and its classic commentaries.³⁴ In the opinion of H.Z. Dimitrovsky, the foremost academic expert on pilpul, Landau's *Tzlah* is the last and greatest example of this genre.³⁵

Ezekiel Landau was a product of this Eastern European rabbinical culture. He is a perfect example of what that culture, that system of education, was able to produce at its best. In his life and career, Ezekiel Landau did everything that culture expected of a successful rabbi. He came from the right family, enjoyed the right connections, had the right education in the right places, ascended the right career ladder from small town to great metropolis, composed the right kind of scholarly works, enjoyed the right reputation for piety and indeed righteousness, conducted the right kind of yeshiva, said the right things to his community, rightly opposed heterodoxy, Sabbatianism, and the Haskalah, died and was eulogized in the right manner. In short, Landau was a "rabbi's rabbi." In terms of character and abilities, successful career, acknowledged scholarship, the esteem of his contemporaries, the authority he wielded, Landau may be viewed as an example of the pre-modern rabbinate at its greatest. In his person the rabbinate reached its apogee, according to the criteria it set for itself in measuring success. A study of his life, of his career, is a study of the ideal professional, intellectual, and social world of this institution, for

³³Louis Jacobs, *Jewish Law* (Oxford, 1984), 197.

³⁴The first volumes of the *Tzlah* appeared in the author's lifetime, in Prague in 1783 and 1791. The remaining volumes were published over the course of the nineteenth and twentieth centuries, with the final volume appearing in 1959. Since then the *Tzlah* continues to be reprinted frequently, most recently in an elaborate edition by *Makhon Yerushalayim* in Jerusalem in 1995. For a full discussion of the phenomenon of pilpul, see the second chapter of this dissertation.

³⁵H.Z. Dimitrovsky, "Al Derekh ha-Pilpul," Saul Lieberman and Arthur Hyman (eds.), *Salo Baron Jubilee Volume* (Hebrew section) (Jerusalem, 1975), 180.

Ezekiel Landau came as close as anyone to realizing this ideal. His career demonstrates what the rabbinate was capable of achieving.

It also demonstrates what that rabbinate, even at its best, was *not* capable of achieving when it was compelled to confront the unprecedented challenges of modernity in the last third of the eighteenth century. Although the changes wrought by modernity were clearly inimical to the existing Judaism and Jewish culture championed by Ezekiel Landau, resisting those changes proved impossible. Controlling those changes, which was the only other alternative, proved extremely difficult and led to all sorts of unforeseen and unwelcome consequences.³⁶ A study of Ezekiel Landau's career thus demonstrates the pre-modern communal rabbinate's limitations as well as its potential.

The value of this study lies precisely in the fact that Ezekiel Landau was a perfect example of what the system sought to produce. He was no rebel, no revolutionary innovator of the type usually favored with attention by historians who like to focus on change. Landau did not oppose the system or even maintain a complex relationship with it in the manner of Jonathan Eibenschutz, Jacob Emden, the Gaon of Vilna, or the Besht. On the contrary, Ezekiel Landau embraced the system in its totality and endeavored to live what the system viewed as a perfect life. If he was not the typical rabbi, it was because he excelled at what he did, not because he challenged the system or sought to modify it. Landau was a vigorous, thoughtful, skillful, and charismatic defender of premodern rabbinical culture.

That does not mean that Landau was simply a defender of the "old order," if by that term we mean the status quo. Actually, Landau, like all traditional communal rabbis, stood in peculiar relation, at once harmonious and stridently critical, to the social and political order of his day.

³⁶See the final chapter of this dissertation.

Indeed, an ambiguous relationship with the status quo was part of the very function of the communal rabbinate. While the traditional communal rabbis were certainly opposed to such harbingers of modernity as the early Haskalah and the proposed reform of Jewish education, they had historically also been opposed to numerous other aspects of Jewish life which were not associated with ideological change, including such social ills as the oppression of the poor, gambling, and dishonesty in business.³⁷

The communal rabbis, in their roles as guardians of ritual law, also attacked local customs and practices which were at variance with normative Jewish law as formulated in the classic law codes such as the *Shulkhan Arukh* and its commentaries and in the responsa literature. Ezekiel Landau himself observed on more than one occasion how practices not countenanced by normative law had become entrenched in a community and become part of the very fabric of traditional and even pious religious life. Sometimes these practices attained the status of communal custom, sanctioned or at any rate unopposed by previous communal rabbis. It was the thankless task of the energetic and (as Landau saw it) conscientious new communal rabbi to oppose the local custom and abolish it wherever possible, bringing ritual and legal practice in line with formal law.³⁸ In such situations, the communal rabbi was an agent of change, a "iconoclast" whose "reforming" directives, though occasioned by fidelity to formal religious law, might provoke an outraged opposition no less vehement and pious than the opposition provoked

³⁷The published versions of the sermons delivered by Jonathan Eibenschutz and Ezekiel Landau before Passover and Yom Kippur are replete with such admonitions.

³⁸See, for example, the case of the gentile lighting the candles in the synagogue on Yom Kippur (*Noda BiYhudah I Orach Hayim* 33), discussed in detail in the fourth chapter of this dissertation. See also the preceding responsum there concerning another incorrect custom, and *Noda BiYhudah II Orach Hayim* 109. See, however, a more nuanced attitude in *Noda BiYhudah I Yoreh Deah* 54, where he directs a student not to publicly show contempt for a local custom even though it is incorrect and baseless (מנהג בורות).

by the modernizing efforts of the maskilim.³⁹ To some traditionalists of the community, the communal rabbi's efforts to change local practice threatened the status quo. Often they threatened the social status of those associated with the status quo. At the same time, the rabbi had to guard against strife and disunity, which could tear apart the fragile fabric of that entity known as the Jewish community. He was always aware of the need to weigh the consequences of interfering in local custom against the dangers of strife, and he might decide to overlook customs of which he disapproved.⁴⁰

Thus, the communal rabbi was not merely a functionary or religious technocrat whose task it was to mindlessly operate the machinery of religious ritual. Rather, the rabbi was an expert, brought in to make sure that the community's norms and practices stayed well within the bounds of "the Torah" - a term which to pre-modern Jews meant Jewish law as traditionally interpreted. At the same time the rabbi was to take care to prevent discord from assuming dangerous proportions. To be sure, this was not the rabbi's sole function, but it was a highly important one, fraught with danger as well as opportunity. It was a role of which Ezekiel Landau was quite aware, and one he sought to play with not inconsiderable success in important Jewish communities. A study of his career affords an insight into this aspect of the communal rabbinate.

Ezekiel Landau merits scholarly attention not just because of his professional and scholarly success. He was an interesting person in his own right - even though he was not the kind of radical who most often attracts historical study. Most scholarly biographies have sought

³⁹See the fourth chapter of this dissertation for a number of examples of this phenomenon with which Landau had to contend during his rabbinate at Yampol.

⁴⁰See the fourth chapter of this dissertation in connection with the recitation of *piyutim*, additional prayers. In his responsa Ezekiel Landau frequently refers to the dangers of communal strife and the necessity of upholding communal peace. See the discussion and numerous citations in Yisrael Hess, "Rabbi Yehezkel Landau u-Mekomo be-Toldot ha-Halakha," Master's dissertation, Bar-Ilan University, 1979, 21-24.

out the personal histories of Sabbatians, Hasidic leaders and their opponents, heresy-hunters like Moses Hagiz and Jacob Emden, and, of course, the arch-maskil Moses Mendelssohn.⁴¹ Ezekiel Landau was not a rebel or an innovator. He was not a suspected Sabbatian like Jonathan Eibeschutz nor an eccentric like Jacob Emden. Sensationalists looking for scandal will be disappointed if they examine Ezekiel Landau's career, for it was singularly free of personal scandal.⁴² When Jacob Emden published a violent attack on Ezekiel Landau's personal character in the heat of the Emden-Eibeschutz controversy, his charges utterly failed to resonate in the Jewish world; no one paid the slightest attention to Emden's vituperative criticisms, even though there were circumstances (Landau's election to the chief rabbinate of Prague with the votes of the pro-Eibeschutz forces) that seemed to confirm the charges.⁴³ Although during his career as rabbi

⁴¹Gerschom Scholem and his students have devoted numerous studies to eighteenth century Sabbatians and Frankists, and Meyer Balaban wrote a history of the Frankist movement and its leaders, *Toldot ha-Tenuah ha-Frankit* (Tel-Aviv, 1935). Again, there is an entire literature on Hasidism and its leaders, with new works appearing all the time, while Allen Nadler has published a study of their opponents, *The Mitnagdim* (New York, 1998). Elisheva Carlebach published a book-length study of Moses Hagiz, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Heresies* (New York, 1990), and Emden has been the subject of a (much criticized) biography by Mortimer Cohen, *Jacob Emden: A Man of Controversy* (Philadelphia, 1937), and a doctoral dissertation by Jacob J. Schacter, "Rabbi Jacob Emden: Life and Major Works," (Harvard University, 1988). Mendelssohn has the subject of an entire literature, beginning with Isaac Euchel's *Toldot Rabbeinu ha-Hakham Moshe ben Menahem* in 1788 down to Alexander Altmann's magisterial *Moses Mendelssohn: A Biographical Study* (Philadelphia, 1973), and the recent penetrating study of David Sorkin, *Moses Mendelssohn and the Religious Enlightenment* (Berkeley, 1996).

⁴² Ezekiel Landau was human enough to desire the advancement of his son Samuel, whom he attempted to have appointed to Prague's Beth Din, supreme rabbinic court, in his later years. For details see Ruth Kestenberg-Gladstein, *Neuere Geschichte der Juden in den böhmischen Ländern* (Tübingen, 1969) 142; however, see M. Samet's review in *Kiryat Sefer* 47 (1973) II, 276. Samuel Landau was in fact a great rabbinic scholar who edited the second, posthumous, volume of his father's responsa and published a volume of his own. Interestingly, Ezekiel's efforts were in vain.

⁴³According to one account, Ezekiel Landau laughingly applied to Emden the Talmudic dictum concerning mad dogs: "They bark and bark but no one hears!" For a full discussion of the entire episode see the fifth chapter of this dissertation.

of Prague Landau had his share of sharp fights with other super-rabbis over specific legal cases, his personal integrity was at no time called into question.

An absence of personal controversy or eccentricity does not mean that Landau was a colorless individual. The man was no dull bookworm or bore. Scion of a proud, controversial, and politically active aristocratic rabbinic family, he was a handsome man, well over six feet tall, with an imposing appearance, especially when he wore the ermine robe and white sable hat that was the official garb of the communal rabbi.⁴⁴ Indeed, his good looks were so striking that contemporaries referred to him as a *Frauengott*, an idol of the women.⁴⁵ He was one of the greatest rabbis of his day, one of the most respected figures in contemporary Jewry, and he knew it. He was a preacher capable of making his audience laugh as well as of moving them to tears.⁴⁶

Ezekiel Landau was a man who had a great impact on two generations of students, including many of those who became communal rabbis and judges in Ashkenazic communities all over Europe in the second half of the eighteenth century. Landau was one of the greatest and most charismatic teachers of his day, interacting on a daily basis with dozens of bright students. Most of Ezekiel Landau's tightly structured day, which for decades included giving no less than four daily lectures,⁴⁷ was spent in scholarly intercourse with students and with other scholars, in

⁴⁴Guttmann Klemperer, "The Rabbis of Prague," *Historica Judaica* 13 (1951): 58. See footnote no. 98 of the fourth chapter of this dissertation.

⁴⁵Dr. Julius Klein, "Zuschrift an Herrn Moses Mendelssohn in Hamburg," *Literaturblatt des Orients*, no. 33 (1848): 542; Kestenberg-Gladstein, *Neuere Geschichte*, 44. Indeed, Kestenberg-Gladstein goes so far as to ascribe at least part of Landau's success as chief rabbi of Prague to his striking good looks: "Nach Ueberwindung mancher anfanglicher Gegenschaften, erlangte die Ehrfurcht einfließende schoene Erscheinung des Oberrabbiners - man nannte ihn 'Frauengott' - allgemeine Autoritaet."

⁴⁶Ibid. See also the testimony of the Prague rabbinical judge Levi Penta that Landau was a fine preacher who did not mind preaching as much as three times a month: הר"ב ד"ר נאה דורש דרושים רבים וחמודים אף פעמים ושלש אם בקשנו ממנו. *Sefunot* VIII (1990), 190.

⁴⁷See the eulogy for Landau by his student Elazar Fleckele, who states that Landau taught four classes a day, two in different tractates of the Talmud, and two in different sections of the

the friendly but fierce interplay that lay at the heart of a pilpulistic lecture system characterized by vigorous interchanges between teacher and audience. He knew that his reputation was such that he continually attracted many hundreds of students over many decades from all over Central and Eastern Europe.⁴⁸ He certainly knew that to succeed as a pilpulistic teacher he had to be able to take as well as to give sharp scholarly criticism. Ezekiel Landau's letters are full of indications that he could do both. Indeed, they indicate that he positively relished the intellectual jousting, the give-and-take into which he had been educated from the age of ten. As he wrote to a socially prominent halakhic critic: "דין הגיין לי והמסייע אין בו ממש: "I welcome [your criticisms of my argumentation]; letters that support my position are of no value to me."⁴⁹

Landau was certainly aware that it was his success as a teacher that made his reputation and his career; after all, he did not publish anything until he was sixty-three years old. His wide reputation was spread by his students, many of whom became rabbis of European communities. To them he was not just a charismatic teacher, but a life-long mentor and role model with whom they remained in scholarly and personal contact long after they had earned ordination and became communal rabbis. These relationships are reflected in the following two letters of Landau's to two former students:

Shulkhan Arukh: ארבעה פרקים בכל יום קבע ללמוד עם תלמידים שיורין דאורייתא, באלה מסכת אחת ובאלה מסכת אחרת, באלה שולחן ערוך זה ובאלה ש"ע אחר (Tolcsva, Hungary, 1912), 85b. These classes were in addition to his daily attendance at the *beit din* the official law court of the Prague Jewish community, where he served as presiding judge, see the sixth chapter of this dissertation.

⁴⁸Yekuti'el Kamelhar, *Mofet ha-Dor* (Munkacz, 1903), 26; Hillel Kieval, *Languages of Community: The Jewish Experience in the Czech Lands* (Berkeley, 2000), 50.

⁴⁹*Noda BiYhudah I*, *Yoreh Deah* 42, to Aryeh Leib Bernstein, see the third chapter of this dissertation for the background. See also *Noda BiYhudah II Orach Hayim* 54, where the same comment is made in reply to the criticisms of one of Landau's students.

I am really quite surprised not to have received a single letter from you since the day you departed. For my part I have made inquiries and learned of your success in your scholarship, which brings me much satisfaction, as I am always anxious that my students succeed and grow. Indeed that is the only satisfaction I have in this world (and in the next!)

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As I read your letter I hear your voice and remember when you were a student in my yeshiva. I always hoped that with your talents you would climb the ladder of professional success, and it gives me pleasure to see that my hopes in you were not disappointed. My fondness for you increases, not decreases, with time, and I hope to hear good news about you and all my other students. Indeed, I pray that all of them may become great leaders (כולכם תהיו לאלפי רבבה).⁵¹

Landau could pride himself on a wide network of such master-disciple relationships in Central and Eastern Europe. Moreover, these relationships were intimate enough to allow him to express frank and even harsh criticism of their actions when he felt the occasion warranted without fear of alienating these men. To one student, but recently ordained, who had undertaken to rule on a matter which Landau considered clearly beyond the student's competence, Landau, after assuring the student of his love and high regard, writes sternly if paternally:

I was quite angry at you for assuming responsibility for a matter which properly belongs to the domain of great rabbinical authorities, not to young men barely out of school! True, you were a brilliant student, but to involve yourself in matters of such gravity! Better for you to spend your time studying and mastering all of the Talmud and the law-codes, because - forgive me for saying it - you have still not mastered the four portions of the *Shulkhan Arukh*. Better by far to spend your time reviewing what you have learned and learning what you have not learned before you thrust your head into such matters! It was for these reasons that I did not respond to your letter. But when you send me a second and third letter, I changed my mind; after all, I do not want people to say "What an unfeeling teacher he is!"... Now that I read your letter I am even angrier. Your youthful ambition has led you to engage in such incompetent argumentation! You deserve to be rebuked. Believe

⁵⁰*Noda BiYhudah II Yoreh Deah 13*

⁵¹*Noda BiYhudah I Yoreh Deah 18; II Even Ha-Ezer 5.*

me, I am writing to you frankly and harshly for your own benefit, to direct you to the straight path.⁵²

One scholar has counted 116 responsa written by Landau to forty different students who were serving as communal rabbis, judges, and local scholars.⁵³ And there were many more, for many of Landau's responsa were stolen during a fire in his house in 1775.⁵⁴ His pride in his success and popularity as a teacher is reflected in a remark to a critical fellow *gadol* in 1777, a year after the publication of the *Noda BiYhudah*: "I published my book for the benefit of my students, to whom God has benevolently allowed me to teach Torah. Indeed, I have been teaching disciples for forty years without interruption."⁵⁵

Ezekiel Landau was a man who impressed his contemporaries, Jewish and gentiles, not just his students. Landau's position as communal rabbi of a metropolis like Prague brought him into frequent contact not only with rabbis but with wealthy Jewish communal leaders, and also with Habsburg officials, whose genuine if grudging respect he seems to have earned. He even

ובאמת חרה לי עליו וביותר על השואלים, כי דבר זה לגדולי הרבנים מגיע להשיב דבר חמור...ומה לצעירי השנים ⁵² וזה זמן מועט שיצאו מבית רבם, ואם כי הם חריפים גדולים, להכניס ראש בזה. וטוב להם לבלות זמן בלימוד ש"ס ופוסקים, כי אחר מחילת כבודי עדיין לא פסלת ארבעה טורים. וטוב לך ליגע ביגיעה רבה לחזור על מה שלמדת, וגם ללמוד אשר לא למדת בש"ס וטורים ואחרונים. ועבור זה נמנעתי מלהשיב כלל. עד שבאו דבריך שנית ושלישית, אמרתי שלא יאמרו "הרב כמה קשה"... ובראותי הדברים הזרים הללו הוספתי חרון אף יותר ויותר. וראה כמה גבר אצלך הילדות והשחרות, וכוספך לקפוץ להורות לההבילך בהבל הבלים כאלו...וראוי אתה לגעור בכך בגערה עביר זה. *Noda BiYhudah II Even Ha-Ezer* 150.

⁵³Yisrael Hess, 295.

⁵⁴*Divrei Yedidut*, the biographical introduction to the *Noda BiYhudah* by Ezekiel's son Yakobka. In this essay, Yakobka describes the incident: שנת תקל"ה יצאה הבערה בשטח עליון מביתו ותלהט אש According to ותאכל כל סביביו...ולא עגמה נפשו כי אם על שו"ת הרבה וחדושי גף"ת אשר נגנבו ואינם. Ezekiel Landau's younger son, Samuel, these manuscripts were stolen by plagiarizers, who appropriated Ezekiel's scholarly insights as their own. *Noda BiYhudah II Yoreh Deah* 55. For a full discussion see the sixth chapter of this dissertation.

⁵⁵ ואנו הוצאתי חבורי לאור שילמדו התלמידים אשר זכני ה' להרביץ תורה בישראל. וזה יותר מארבעים שנה לא ⁵⁵ (פסקו תלמידים מביתי. *Noda BiYhudah II Orach Hayim* 101). Landau's correspondent had criticized Landau's lenient ruling permitting shaving on *hol ha-moed*, the intermediate days of Passover and Sukkot, a ruling just published in the *Noda BiYhudah*.

impressed the empress Maria Theresa on the two occasions when she received him,⁵⁶ particularly noteworthy when one considers that her hatred of unconverted Jews was so ferocious that when she found herself compelled by necessity to converse with them, she would do so from behind a partition.⁵⁷ In 1776 Maria Theresa chose Ezekiel Landau to be her chief rabbi of all Galicia, an office created by her that would have made Landau the most powerful rabbi in Europe. When Landau declined, her government sought for two years to persuade him change his mind.⁵⁸ Her successor, the emperor Joseph II, disliked Landau because the latter opposed the emperor's proposed reforms of Jewish education and his policies that encouraged Jewish assimilation. The anti-clerical Joseph, the bane of the Jesuits and the monasteries, referred to Landau as "der Prager Judenpapst." Yet Joseph respected Landau as the leading Jewish religious figure in the monarchy, and the Austrian emperor, notorious for his peremptoriness, directed his officials to clear the monarch's proposed Jewish education reforms with Landau, even though this involved protracted negotiations with the Prague rabbi as well as important concessions on the part of the authorities.⁵⁹ On another occasion, Joseph felt compelled to accept Landau's legal opinion concerning changes in the marriage laws.⁶⁰ Thus, although Joseph did not like Landau, he respected his unique prestige and authority and sought to coopt it for his own purposes. In short, all the evidence indicates that Landau was regarded by both friend and foe as an impressive figure,

⁵⁶Kestenberg-Gladstein, *Neuere Geschichte*, 44.

⁵⁷See the article on Maria Theresa in *Encyclopedia Judaica* (Jerusalem, 1971), XI, 991.

⁵⁸Nathan Gelber, "Aryeh Leib Bernstein, Chief Rabbi of Galicia," *JQR (NS)* XIV (January, 1924), 306. This episode is discussed in the sixth chapter of this dissertation.

⁵⁹See the sixth chapter of this dissertation.

⁶⁰Ezekiel Landau's official reply in German to Joseph II concerning the proposed changes in the marriage laws was published under the title, *Hukei Ishut*, in Prague in 1785. For a full discussion see the sixth chapter of this dissertation.

by the former as an outstanding scholar and even a saint,⁶¹ by the latter as an intelligent though narrow-minded reactionary.⁶²

This interesting and significant personality has not appeared in the academic historiography. In the great synthetic histories of Heinrich Graetz, Simon Dubnow, Israel Zinberg, Salo Baron, and Raphael Mahler, Ezekiel Landau appears briefly if at all as a participant in the Emden-Eibenschutz struggle or as an opponent of the Berlin Haskalah. Graetz discusses Ezekiel Landau in the tenth and eleventh volume of his *History of the Jews*. In the tenth he deals with Landau in the context of the Emden-Eibenschutz controversy, arguing that Landau suspected Eibenschutz of Sabbatianism but did not openly say so. In the eleventh volume, he briefly discusses Landau as an opponent of Mendelssohn's, yet with a Graetzian flash of insight which distinguishes him from the other synthetic historians:

Mendelssohn's Pentateuch translation disturbed the rigid adherents of antiquity and obsolete habit...To these opponents of the enterprise belonged men who brought honor upon Judaism, not alone by their rabbinical scholarship and keen intellects, but also by their nobility of character. There were especially three men, Poles by birth, who had as little appreciation of the innovations of the times as of beauty of form and purity of speech. One of them, Ezekiel Landau of Prague, enjoyed great respect both within and without his community. He was a clever man, and learned in time to swim with the tide.⁶³

That is all, even from Graetz, who peopled his history with rabbis.

⁶¹Landau's student and successor, Elazar Fleckeles, eulogized him as an ascetic and a saint, describing how, among other things, Landau fasted frequently, slept very little, did not sleep on a bed, wore sackcloth under his shirt, would not sit while he was engaged in Torah study, cried bitterly over the destroyed Temple of Jerusalem, and was extremely liberal in charity. *Olat Hodesh ha-Shlishi*, 72a-b; 77a.

⁶²For this perception of Landau on the part of the emperor on the one hand and the maskilim on the other, see the sixth chapter of this dissertation. See also Graetz's characterization of Landau in the next footnote.

⁶³Heinrich Graetz, *History of the Jews* V, 330.

In Dubnow's *History of the Jews*, Ezekiel Landau appears once, as one of the "obscurantist" opponents of Mendelssohn's *Biur*.⁶⁴ Zinberg, like Graetz, mentions Landau once in connection with the Emden-Eibeschutz controversy (unlike Graetz, Zinberg was pro-Eibeschutz), accusing Landau of "playing an ambiguous role out of petty motives, out of the fact that [Landau] was envious of Eibeschutz and begrudged him his brilliant capacities and great genius."⁶⁵ In the ninth volume of his epic work, entitled "*The Berlin Haskalah*," Zinberg briefly mentions Landau as one of the opponents of Mendelssohn's *Biur* (pp. 42-3) and as an opponent of Naphtali Wessely's (pp. 70-71). In his *Social and Religious History of the Jews* (New York, 1937) Salo Baron does not even mention Ezekiel Landau, though he frequently cites him in his social-historical study of *The Jewish Community* (New York, 1942-45), where Landau's works are mined for statements on a variety of unconnected social phenomena. Finally, Raphael Mahler, who wrote *A History of Modern Jewry: 1780-1815* (English edition: New York, 1971), the very era when Ezekiel Landau was at the peak of his prestige and authority as chief rabbi of Prague, discusses in a general way the influence of Ezekiel Landau on the affairs of Bohemian Jewry.

It is evident that to these historians, Ezekiel Landau was a tangential figure, one who played, it is true, a certain role as an opponent of the Enlightenment, a role doomed to failure by unstoppable historical forces, by the onset of modernity. And indeed, the total collapse of rabbinic Judaism which occurred about two generations after Landau's death seemed to confirm their analysis. By the 1830s, everything for which Ezekiel Landau struggled had disappeared from Prague, and he seemed to have been a failure, as opposed to, say, Moses Sofer of Pressburg (1762-1839), his successor as leading Central European rabbi. Sofer did succeed in staving off

⁶⁴ Simon Dubnow, *History of the Jews* (New York, 1971), fifth volume, 331.

the Haskalah and reform movements in Judaism in his region, Hungary, at least to some extent, and in organizing a militant Orthodox movement which remained vigorous and sometimes dominant in Pressburg and elsewhere in Hungary down to the Holocaust.⁶⁶ Ezekiel Landau did not achieve this, and when historians compared the two men, Landau suffered. Thus, in a study of Jewish modernity, Jacob Katz wrote, "It would be intriguing to compare Sofer's role in Hungary with that of Ezekiel Landau in Prague. As the outstanding halakhist of his generation, Sofer can be said to have inherited the position of the *Noda BiYhudah*. Yet in his involvement in the historical process of his time Sofer represents a new type of person - the militant traditional Orthodox."⁶⁷

The great synthetic Jewish historians, influenced by nineteenth century conceptions, viewed history as a story of unfolding progress.⁶⁸ In terms of the Jewish historical experience

⁶⁵ Israel Zinberg, *History of Jewish Literature* VII (New York, 1975), 212.

⁶⁶On Moses Sofer, see Jacob Katz's biographical essay, "Towards a Biography of the Hatam Sofer," in his *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Jerusalem, 1998), 403-443. On Sofer's influence on the development of a vigorous Orthodox movement in Hungarian Jewry, see Katz's *A House Divided: Orthodoxy and Schism in Nineteenth-Century Central European Jewry* (Hanover N.H., 1998). For his part, Sofer held Landau in the highest esteem, referring to the Prague rabbi as "the captain of our ship, the very heart of Israel." Sofer frequently cited Landau in his own works, though he did take vigorous issue with certain of Landau's rulings. For a list of these citations, see Moshe Alexander Zusha Kinstlicher, *Ha-Hatam Sofer u-Venei Doro* (Bnei Brak, 2003), 176-177.

⁶⁷Jacob Katz, *Towards Modernity* (New York, 1987), 8.

⁶⁸"Graetz believed that Jewish history was progressive and culminated with the new historical science. With many other nineteenth-century thinkers, Graetz held that the idea of a transcendent God went through a gradual and progressive process of purification throughout Jewish history....The idea of a transcendent God attained its purest expression in the last period [of Jewish history] when it 'immersed itself in the inwardness of reflection...Judaism became scientific scholarship (*das Judentum wird Wissenschaft*).'" David Biale, *Gershom Scholem: Kabbalah and Counter-History* (Cambridge, 1979), 21-22. On the other hand, Graetz did not embrace the notion of the historical development of Judaism and the Jewish people unqualifiedly. See the following footnote.

For Salo Baron, see Baron's observation concerning Azaryah de Rossi: "One of the fundamental points in the philosophy of life of the period was the thought that the best things belong to the past. In modern times, our watchword is progress and we instinctively regard

this meant the progress from traditional religious orthodoxy to post-orthodoxy.⁶⁹ In such a

human history, notwithstanding its ebbs and flows, as a development from lower to higher forms." This quotation is from Baron's essay, "Azaryah de Rossi's attitude to Life," in his *History and Jewish Historians: Essays and Addresses*, comp. Arthur Hertzberg and Leon A. Feldman (Philadelphia, 1964), 198. See also Robert Liberles, *Salo Wittmayer Baron: Architect of Jewish History* (New York, 1995), 114.

Simon Dubnow's rejection of the religious orthodoxy into which he was born is a basic component of his life and thought, and his philosophy of Jewish history, which he outlined in the Fourth Letter of his *Letters on Old and New Judaism*, which he published in 1901 and revised in 1907, is one of progress from the "thesis" of religious orthodoxy and communal isolation of pre-nineteenth century to the "antithesis" of the nineteenth century, characterized as it was in eastern Europe by Hasidism's "forgetfulness of self through faith" and by assimilation and rejection of tradition in western Europe, to a "synthesis" of autonomism in the twentieth century, in which Jewish life, especially communal life, would be transformed from a religious-based structure to a democratic secular *Volksgemeinde*. See also the chapter on the nineteenth century or "The Modern Period of Enlightenment" in Dubnow's *Jewish History* (Philadelphia, 1903), 157-176. For a discussion of these views see David H. Weinberg, *Between Tradition and Modernity* (New York, 1996), 151, 190-197.

Israel Zinberg was, in the words of his translator and biographer, "a product of Haskalah and heir of the broader European tradition of the Enlightenment. He was naturally attracted to the expressions of independent, rationalist thought in the literature he studied." (Bernard Martin, Translator's Introduction to the first volume of Zinberg's *History of Jewish Literature* (Cleveland, 1972), xvi. In the twelfth volume, "The Haskalah at its Zenith," (New York, 1978), Zinberg criticized the survival into the nineteenth century of "congealed, ritual rabbinism with its countless laws and severities, the acknowledged fortress of the old and obsolete." (p. 209)

⁶⁹Graetz's stance on this issue is complex. He strongly criticized the Berlin Haskalah and Reform Judaism in the eleventh volume of his history because they did not represent progress. As a leader of "Positive-Historical" Judaism and a disciple, at least in his early years, of Samson Raphael Hirsch, Graetz advocated adherence to traditional halakhic practice (to most of it, at any rate; he opposed those practices which stemmed from kabbalistic sources). He disagreed with the Orthodox over their indifference to history, not their adherence to religious practice. He certainly did not agree with the Reform concept of historical development within Judaism, that is, of a progressive evolution of the religious idea within Judaism. In the words of Ismar Schorsch, "Graetz's vision of Jewish history broke with the basic conceptual assumption of development upon which the Reform theory was based. There is no true notion of development in Graetz." See I. Schorsch, *From Text to Context: The Turn to History in Modern Judaism* (Hanover, 1994), 285. On the other hand, the modern era in Jewish history, according to Graetz, begins with Mendelssohn, and is characterized by "growing self-consciousness." Such a process would eventually result in a Judaism that would exercise a more powerful influence over humanity. The Jewish people, he believed, would be the messiah that would redeem mankind. Thus, Jewish history was progressing from a narrow-minded and kabbalistically credulous traditional orthodoxy represented by men of the Ezekiel Landau type to a more rationalistic, sophisticated, and historically informed halakhic Judaism that would play a decisive and glorious role in the

scheme a figure like Ezekiel Landau could not command much respect, for he championed a losing cause, and the fact that the cause collapsed so dramatically in Prague and Bohemia indicated that Landau had not been an effective champion.⁷⁰ They were not impressed by the fact that during his lifetime and for at least a generation afterwards, Prague remained a bastion of the values Ezekiel Landau espoused: religious orthodoxy and a high level of rabbinic scholarship. The collapse of traditionalist Judaic religion and institutions came some time after Landau's death, and though one might argue that it was the absence of a successor of his stature in the Prague rabbinic leadership that led to the collapse, not any defects in Landau's efforts, the historians did not see it that way. To them the collapse represented the inevitable progressivist march of history, which would sooner or later doom to extinction the other traditionalist or Orthodox communities of Eastern and Central Europe and elsewhere. To them Landau was a representative, perhaps an able or clever representative, but an utterly typical representative, of a cause doomed because it was outmoded. Such a figure did not interest them.

Even the historians who did not subscribe to these progressivist notions ignored Ezekiel Landau. Gerschom Scholem, for example, succeeded in correcting this progressivist bias in Jewish historical scholarship. Scholem and his students successfully challenged the notion that such un-progressive or anti-progressive groups as Kabbalists or even Sabbatians and Frankists were less worthy of scholarly attention than rationalist and westernizing progressives. Thanks to Scholem and his followers, mysticism and Sabbatianism have become popular subjects in Jewish historiography. Scholem was able to accomplish this by emphasizing the antinomian aspects of

modern era. See Graetz's *The Structure of Jewish History* (New York, 1975) and the title of the eleventh volume of his *History of the Jews*. See also Lionel Kochan, *The Jew and His History* (New York, 1977), 82-87, and David Biale, *op. cit.*, 24.

these groups and thereby portraying them as precursors of modernity, that is, of post-halakhic Judaism.⁷¹ Scholem did not extend this historiographical breakthrough to the rabbis, the defenders and expositors of the halakhic tradition, who were distinctly non-modern figures. In fact, Scholem viewed the rabbis as a negative and inhibiting factor in Jewish history. To Scholem, "it is precisely the aspect that does not accord with the rabbinic conservative mind, that changes the course of Jewish history. Scholem always presented these vitalistic elements in a positive light, while he considered the conservative factors as inertial and hypertrophic. He portrayed the rabbinical establishment as repressive."⁷² It is therefore not surprising that Scholem and his students and followers did not devote any attention to the rabbis of the Jewish "Establishment," that is, to the communal rabbis and the rabbinical scholars, if they were not prominent proponents or opponents of Kabbala. For this reason, historians of Jewish mysticism have ignored Ezekiel Landau because they did not perceive him to be a serious kabbalist. This image of Landau has been effectively challenged in a recent doctoral dissertation by Sharon

⁷⁰See the penetrating evaluation of "progressive" Jewish historians by Moshe Samet in his review of R. Kestenberg-Gladstein, *Neuere Geschichte der Juden in dem boehmischen Laendern*, *Kiryat Sefer* 47 (1973) II 279.

⁷¹See Scholem's critique of the historical philosophy of the *Wissenschaft des Judentums* entitled, "Reflections on Modern Jewish Studies," in Gerschom Scholem, *On the Possibility of Jewish Mysticism in Our Time* (Philadelphia, 1997), 51-71. See also David Biale, *Gerschom Scholem: Kabbalah and Counter-History* (Cambridge, 1979); and Joseph Dan, *Gerschom Scholem and the Mystical Dimension of Jewish History* (New York, 1987).

⁷²Moshe Idel, "Subversive catalysts: Gnosticism and Messianism in Gerschom Scholem's View of Jewish Mysticism," in David N. Myers and David B. Ruderman, eds. *The Jewish Past Revisited: Reflections on Modern Jewish Historians* (New Haven, 1998), 61. Idel himself criticizes Scholem's portrayal of the rabbis in this light in the context of the history of Jewish mysticism.

Flatto on Ezekiel Landau, who has demonstrated Landau's very serious engagement with mystical texts and practices.⁷³

Ezekiel Landau, then, merits, full and serious scholarly attention, both as a person as well as representative of, indeed a window into, the eighteenth century European rabbinate. I would argue that scholarly historiographical focus on the rabbinate, including the eighteenth-century rabbinate, on its own terms, especially its intellectual, cultural, and social world, independent of its connection to "progress," Kabbala, or anything else is a task of twenty-first century Jewish historical scholarship. The rabbinate constituted an international community with its own universe of discourse, its own hierarchy, its own system of according prestige and power, its own unique set of power-relations, all quite informal but very real. At the pinnacle of this community stood the *gedolim*, the "great" rabbis, whose word carried much weight even though they had no formal authority. All this is a field yet to be explored. My study of the career of Ezekiel Landau, one of the foremost *gedolim* of the eighteenth century, is a contribution to a scholarly understanding of this world and its relationships.

My dissertation concentrates on the first half of Ezekiel Landau's life and career, the four decades before he became the chief rabbi of Prague. Until now the historiography on Landau, however scant, has focused on his career as communal rabbi of Prague. Landau lived eighty years, and his life may be divided into two halves. During the first forty years of his life he lived in Poland, the next forty in Prague. In the first forty years he became a noted scholar and judge in Brody, then a communal rabbi of a small town in Volhynia, a post he saw as a stepping stone to his ultimate goal, the rabbinate of one of the large, first-rank communities of the Ashkenazic

⁷³Sharon Flatto, "Prague's Rabbinic Culture: The Concealed and the Revealed in Ezekiel Landau's Writings," PhD. diss., Yale University, 2000. Landau's mysticism is extensively discussed in the third chapter of my dissertation.

world. In the second half of his life he attained this goal, becoming rabbi of Prague, Europe's largest Jewish community. On three occasions he submitted his candidacy for other posts after his election to Prague.⁷⁴ In addition, when the Hapsburg government offered him the post of chief rabbi of all Galicia in 1776, Landau was inclined to accept, though he ultimately yielded to the entreaties of his family and the Prague Jewish community to remain in Prague.⁷⁵ Whatever his earlier plans, Prague remained the pinnacle of his career.

The first half of Ezekiel Landau's life, then, forms a distinct, preparatory, stage. I have chosen to concentrate on these first four decades of his life, the years up to his election to Prague, as a case study in the social, intellectual, and professional formation of a super-rabbi. Ezekiel Landau was certainly one of these *gedolim*. This study will ask how did he become a super-rabbi? What was his family background, and how did it influence his career? Was he poor or rich, and did this affect his career? His rise cannot be attributed to published scholarship, as is usually the case in a scholarly community; Ezekiel Landau did not publish anything until 1776, more than two decades after he became chief rabbi of Prague. How, then, was his reputation made, how did it spread? What was the educational system that produced him? Who was considered a successful product of that system? What was the intellectual system, the intellectual universe, he and his fellow rabbis inhabited? Was it a hermetically sealed universe, or was it significantly affected by contemporary European culture? What did it mean to be a communal rabbi, a budding super-rabbi? What were his roles, and how did Ezekiel Landau perform them?

In a study of the formative years of Ezekiel Landau these questions have a fairly precise geographical-historical context: early eighteenth century Poland. Landau was a Polish rabbi until

⁷⁴ He applied for the chief rabbinate of Frankfurt in 1757, the chief rabbinate of Brody in 1760, and the chief rabbinate of Hamburg in 1764, and there may have been other attempts. See the last chapter of this dissertation.

he moved to Prague. Polish Jewry was the largest Jewish community in the world at that time. More than half of the Jews in the world lived in the Polish-Lithuanian kingdom.⁷⁶ Poland was at that time also the international intellectual center of rabbinic culture and the site of the most intensive and widespread cultivation of rabbinic learning, specifically of Talmudic literature. Poland's preeminence was reflected in the fact that the great European rabbis of the eighteenth century were born and educated in Poland. A list of the rabbinic leaders of Central and Western European communal rabbis of that era is dominated by the names of Polish rabbis hired by communities in the west after they had made their reputations in Poland, Ezekiel Landau being a prime example.⁷⁷ One of Germany's greatest rabbinical scholars of the eighteenth century bitterly bemoaned the near-universal practice of the leading German communities not to hire German rabbis, no matter how eminent, and to import communal rabbis from Poland.⁷⁸ The Polish rabbinical milieu was the dominant one in eighteenth century European Jewish religious culture, and it was against that model that the German Haskalah leveled its criticisms, since it was Polish norms that characterized the official religious culture of German Jewry. Thus, a detailed and contextualized study of a product of that culture will afford historians a fuller, more

⁷⁵ For details concerning these episodes, see the final chapter of this dissertation.

⁷⁶Gershon Hundert, *The Jews in a Private Polish Town: The Case of Opatow in the Eighteenth Century* (Baltimore, 1992), xi;

⁷⁷"Most of the great communal rabbis [in Central Europe in the eighteenth century] were Polish," Azriel Shohat, *Im Hilufei Tekufot: Reshit ha-Haskalah be-Yahadut Germanyah* (Jerusalem, 1960), 111. Examples include: the chief rabbis of Frankfurt: Jacob Joshua Falk of Lemberg (1741-56), Abraham of Lissa (1759-69), and Pinhas Hurwitz of Lachowicze in Poland (1771-1805); the chief rabbis of Hamburg: Ezekiel Katzenellenbogen of Lithuania (1712-49), Jonathan Eibeschutz, born in Cracow (1749-64), Isaac Horowitz of Brody (1764-1775), and Raphael HaKohen of Minsk (1776-99); the chief rabbis of Metz: Jacob Falk (1731-41), Jonathan Eibeschutz (1741-49), Samuel Heilman of Krotoszyn (1751-65), Aryeh Loewe Gunzburg, the famous *Shaagat Aryeh* of Minsk (765-85), the chief rabbis of Amsterdam: Elazar Horowitz of Brody (1735-40), Aryeh Leib Loewenstamm of Cracow (1740-55) and his son Saul (1755-90), the chief rabbis of Berlin: Jacob Joshua Falk (1730-34), and Herschel Levin of Rzeszow, Galicia, (1773-1800), formerly chief rabbi of London (1758-64). There are many other examples.

nuanced, understanding of the traditionalist, rabbinic, side of the conflict between the Haskalah and the so-called "old school."

To date there has been no academic biography of Ezekiel Landau, nor even a serious historical study of any aspects of his career or of his thought, with the recent exception of Sharon Flatto's dissertation on Landau's interest in and engagement with Kabbalah and kabbalistic practices. On the other hand, more popular articles and essays about Ezekiel Landau began to appear already in the mid-nineteenth century. By the second third of the nineteenth century, forty years after his death, Ezekiel Landau had become a figure of local legend and lore in Prague and in Bohemia. Two examples of this kind of "oral tradition" or local memory appeared in print during this period. One was a series of articles in *Orient*, a German weekly Jewish magazine which appeared in the years 1840-52, and which included both scholarly and popular articles. A Dr. Julius Klein published two articles on Ezekiel Landau in 1848 clearly based on stories, often colorful, he had heard from older Prague Jews.⁷⁹

The other example is the writings of Gutmann Klemperer (1815-1884), a native of Prague and a member of a family which had been part of the Prague "yeshiva world" that no longer existed by the 1840s. Klemperer studied in yeshivot in Prague and Pressburg, attended Prague University, and went on to become a Reform rabbi in Bohemia and an amateur historian of Bohemian Jewry. Klemperer wrote extensively if superficially on this subject, and especially on Prague's famous rabbis of the past. Heavily anecdotal, Klemperer's writings are another echo of Prague's "oral tradition." Klemperer was a strong admirer of Jonathan Eibeschutz and composed a biography of the latter in German in 1858, in which he devoted a chapter to the

⁷⁸Jacob Emden, *Megilat Sefer* (Warsaw, 1896), 125-126.

⁷⁹Klein, Dr. J., "Zuschrift an Herrn Moses Mendelssohn in Hamburg," *Literaturblatt des Orients*, no. 33 (1848): 525-528; no. 34 (1848): 540-544.

character of Ezekiel Landau, whom he also admired and whom he sought to portray as a supporter, though not a friend, of Eibeschutz. Klemperer returned to the subject of Landau in the late 1870s in the course of a series of biographical articles on Prague rabbis which he published in a Bohemian Jewish *Volkskalendar*.⁸⁰ In the articles of Klemperer and Klein one hears tales retold in synagogues and around Sabbath tables by members of an older generation, tales which Klein and Klemperer preserved by writing them down. Obviously these tales contain both fact and fancy. They ought not to be dismissed out-of-hand, for it is clear they do contain fascinating flashes of insight into Ezekiel Landau's character and times which ring true. On the other hand it is also clear that they also contain mythical elements, and so must be used with great caution.

The only attempt at a full biography of Ezekiel Landau appeared at the beginning of the twentieth century. In 1903 Yekutiel Kamelhar, a Galician hasidic rabbi and writer, published a biography of Ezekiel Landau entitled *Mofet ha-Dor*, "the Wonder of the Generation," an accolade bestowed upon great rabbinical figures. Interestingly, Kamelhar composed this biography as a response to what he asserted was a conspiracy of silence on the part of Jewish historians to bury the memory of the man who had opposed Mendelssohn, the hero of modern Jewish historiography:

No biography of Landau, this great and accomplished man has yet appeared. It is as if all Jewish historians have joined in an effort to skip over the man who condemned Moses Mendelssohn. If Landau appears in history books at all, it is only under duress, "as if compelled by a demon." It is only because readers would notice the complete lack of reference to him that historians cite Landau, as briefly and as superficially as possible, giving merely the dates of his birth and death. The intelligent reader is astonished: "Where

⁸⁰Gutmann Klemperer, "Das Rabbinat zu Prag seit dem Dahinschneiden des R. Loewe b. Bezael, gewöhnlich der hohe Rabbi Loew gennant, bis auf unsere Tage (1609-1879)," Pascheles' *Illustrierter Israelitischer Volkskalendar* (1881): 121-149; (1882): 124-148; (1883): 118-133; (1884): 85-129. The series was reprinted in English translation by G. Kisch in *Historica Judaica* XII (1950): 33-66, 143-152; XIII (1951): 55-82.

is the great figure whose fame once resounded to the ends of the earth, the fiery warrior, the rich biography?⁸¹

In Kamelhar's plaintive remarks we hear an early voice of an "Orthodox Jewish historiography" that would develop in the twentieth century, a historiography angry at the regular academic historiography for neglecting, even dismissing, its heroes, and displaying a negative attitude towards them.⁸² Kamelhar's biographical monograph of Ezekiel Landau was one of the first efforts of this "orthodox revisionism." Kamelhar, who was a distinguished rabbinical scholar, did skillfully and fruitfully mine Ezekiel Landau's published works, including his responsa, his sermons and his written communications with the Hapsburg authorities. Ultimately, though, Kamelhar's treatment of Landau, whom he saw as a hero *sans peur et sans reproche*, is thoroughly hagiographic.

Following in Kamelhar's footsteps, Solomon Wind, professor of history at Yeshiva University, published a series of three articles in mid-century on Ezekiel Landau which were eventually collected in a short monograph in 1961. Although he too was a rabbinic scholar,

עוד לא נכתב ספר תולדות אדם הגדול בענקים, ר' יחזקאל הלוי לנדא זצ"ל, וקורות ימי חייו, מעשיו הכבירים⁸¹ מפעליו ועלילות מצעדי גבר גבוה ורם כמוהו; כאלו כל סופרי דברי הימים לבני ישראל עשו יד אחת לדלג על קורות האיש אשר נתן את בן מנחם לחרם. ואך כמו שכפאו שד, משום "מה יאמרו הבריות", ישאו את שמו על שפתם ויעלו את זכרו בנוסח הרגיל: "נולד בשנה זו והיה רב פה ושם ונפטר בשנה פלונית". וכל העובר ישתומם ולבו יהגה אימה...הלא זה האיש אשר שמו הולך מסוף העולם עד סופן, איש הדגול מרבבה, איש הלוחם מלחמות הדת...ודברי ימי Yekutiel Kamelhar, - חייו עשירים בפעולות ועבודות פוריות, ואיה איפה נפלאותיו? ואיה גבורותיו? Unpaginated introduction to *Mofet ha-Dor* (Mukachevo, 1903).

⁸²For the term as well as a critical analysis of this trend, see Israel Bartal, "True Knowledge and Wisdom," *Studies in Contemporary Jewry* 10 (1994) 178-192; Haim Gertner, "The Beginning of 'Orthodox Historiography' in Eastern Europe: A Reassessment," *Zion* 67 (2002), 293-304. See also Jacob Katz, "Ha-Ortodoxia ke-Teguvah," *Ha-Halakha be-Meitzar*, (Jerusalem, 1992) 9-20; Yaakov Barnai, *Shabta'ut: Hebeitim Hevrat'im*, (Jerusalem, 2000), 120-141. Kamelhar, who was a rabbi, yeshiva head, biographer, author, and publicist, was himself an unusual figure, and is the subject of a biography, *HaTzofeh le-Doro*, by Y. Mondschein (Jerusalem, 1987).

Wind's main contribution consisted of a chapter collecting realia from the *Noda BiYhudah* for some future historian of Bohemian Jewry.⁸³

A popular monograph on Ezekiel Landau was published by Aryeh Gellman, a prominent member of the Mizrahi, the religious Zionist party, in the United States. Gellman was a prolific Zionist activist and ideologist and a native of Yampol, the town where Ezekiel Landau served for a decade as communal rabbi. Gellman's work is likewise hagiographic.⁸⁴

An important contribution to historical scholarship on Landau came in 1969 with Ruth Kestenbergl-Gladstein's work on late-eighteenth and early-nineteenth century Bohemian, mainly Prague, Jewry.⁸⁵ While primarily concerned with the Haskalah movement in Prague, Kestenbergl-Gladstein did considerable research in Hapsburg government archives and other non-Jewish sources to flesh out a picture of Ezekiel Landau in the last twelve years of his life. This was the period of Joseph II's *Toleranzpatent* and the unprecedented effort by the Hapsburg government

⁸³Solomon Wind, *Rabbi Yehezkel Landau: Toldot Hayav u-Feulotav* (Jerusalem, 1961). This work is based on Wind's two articles in the journal *Bitzaron* (1945), "Le-Toldot ha-Rav Yehezkel Landau Ba'al ha-Noda BiYhudah ve-ha-Tzlah" [Towards the History of Rabbi Ezekiel Landau, Author of the *Noda BiYhudah* and the *Tzlah*], and (1947) "She'elot u-Teshuvot Noda BiYhudah be-Tor Mekor le-Toldot Yisrael" [The Responsa *Noda BiYhudah* as a Source for Jewish History]. Wind also published an article concerning Landau's role in the Emden-Eibeschutz controversy, entitled, "Le-Verur ha-Yahas shel ha-Gaon Rabbi Yehezkel Landau le-ha-Gaon Rabbi Yehonatan Eibeschutz" [Towards a Clarification of the Relationship Between Rabbi Ezekiel Landau and Rabbi Jonathan Eibeschutz]. Wind published an English-language biographical article on Landau in a collection of rabbinical biographies edited by Leo Jung, *Jewish Leaders* (New York, 1953), 79-98. Actually, much of the realia contained in Landau's responsa was already collected in an article by the Prague Jewish historian Solomon Lieben, entitled: "Beitrage zur Kulturgeschichte der Juden in Bohmen im 18 Jahrhundert, an der Hand der zeitgenoessichen Responsenliteratur," in the Jubilee volume of the Prague Jewish literary society *Afike Jehudah* (Prague, 1930).

⁸⁴Aryeh Gellman, *Ha-Noda BiYhudah u-Mishnato l'Or Psakav u-Drushav* (Jerusalem, 1960). Gellman's numerous Zionist and biographical essays were published in his *Ha-Yahadut be-Maavakah*, (Jerusalem, 1956), *Netzah ha-Umah* (Jerusalem, 1958), and *Be-Shvil ha-Yahadut* (Jerusalem, 1967).

⁸⁵Ruth Kestenbergl-Gladstein, *Neuere Geschichte der Juden in den bohmischen Laendern* (Tubingen, 1969).

to regulate and interfere in the internal life of the Prague Jewish community, stripping the communal rabbinical courts of much of their power and pressing the Jews to set up a secular elementary public school. Kestenberg-Gladstein painted a picture of an Ezekiel Landau who was a decided moderate in his attitude towards Haskalah, and who was quite willing to cooperate in such innovative ventures as the establishment of secular elementary schools as long as they remained under his close supervision and control. Interestingly, Kestenberg-Gladstein argued that Ezekiel Landau was successful in insuring that the Jewish elementary school, a maskilic institution par excellence, remained under traditionalist control and did not turn into institutions that educated students away from traditionalist Judaism. Specifically, the traditionalists under Ezekiel Landau and his successors succeeded in keeping the schools out of the hands of radical maskilim such as Peter Beer and Herz Homberg.⁸⁶

Kestenberg-Gladstein's portrait of Landau as a moderate in his attitude towards Haskalah is certainly debatable.⁸⁷ Less debatable is the fact that Kestenberg-Gladstein's overall portrait of Landau suffers from her lack of knowledge of rabbinical literature, particularly the halakhic and pilpulistic literature that formed so much of Ezekiel Landau's world of thought. Her research reveals only the public Landau, that is, the face he showed to the non-Jewish world and to the maskilim. But the private Landau, the Landau at work with his colleagues, students, and friends, those to whom he could unburden himself without fear of external consequences and with whom he could discuss those matters that interested him the most, this Landau does not appear in Kestenberg-Gladstein's work. To assert as she does that Landau demonstrated flexibility in his halakhic philosophy on the basis of two lenient responsa in the *Noda BiYhudah*, while ignoring

⁸⁶Kestenberg-Gladstein, 34-65, passim. Kestenberg-Gladstein's conclusions are echoed by Hillel Kieval, *Languages of Community: The Jewish Experience in the Czech Lands* (Berkeley, 2000), 56-59.

the numerous responsa in which he was strict in his rulings, seems to indicate a most superficial acquaintance with this complex subject.⁸⁸ In spite of this weakness Kestenberg-Gladstein's work is a valuable contribution to Landau scholarship precisely because it includes the type of material so utterly lacking from the traditionalist, hagiographic biographies which draw their information exclusively from rabbinic literature. The full biography of Landau will need to utilize both sets of sources in order to arrive at a balanced, nuanced evaluation of this historic figure.

Since Kestenberg-Gladstein's book, two academic dissertations concerning aspects of Ezekiel Landau's intellectual world have appeared. The first was a Bar-Ilan University Master's thesis by Israel Hess, entitled (in English): "Rabbi Ezekiel Landa (*sic*) and His Position in the History of the Halakha, According to His Responsa 'Noda BiYhuda' Part One and Two."⁸⁹ Hess, clearly familiar with Talmudic and pilpulistic literature, mined the text of the *Noda BiYhudah* for information concerning Ezekiel Landau's personality and character traits and presents them in a positive light. Hess's work does not contain any criticism of Landau, whom he clearly admires very much. In addition, Hess investigated Landau's intellectual interests within the world of halakhic literature as well as his stances on various intellectual questions within that universe of thought. These include his attitudes towards primary versus non-primary rabbinic sources; his attitude towards *Rishonim*, the medieval commentators, versus his attitude towards post-medieval ones; his tendency to leniency or stringency in various areas of law; his attitude toward the *dina demalkhuta*, the non-Jewish government laws which both were and were not binding

⁸⁷This entire subject is discussed in the sixth chapter of this dissertation.

⁸⁸Kestenberg-Gladstein, 86. See the remarks of Samet, 279. For a much more comprehensive treatment of Landau's halakhic leniency or stringency, see Hess, 137-174.

⁸⁹Israel Hess, "רבי יחזקאל לנדא ומקומו בתולדות ההלכה על פי ספרו 'נודע ביהודה' מהדורא קמא ותניינא", Unpublished Master's thesis, Bar-Ilan University (Ramat-Gan, 1979).

upon Jewish courts in a complex jurisprudential cohabitation;⁹⁰ his views on the relationship between *minhag*, customary law, and *halakha*, codified law; and his views on the relationship between *halakha* and the *agadah*, the stories and tales found in the Talmudic literature, which sometimes include details that may be construed as defining normative law. In short, Hess surveyed the responsa and provided a kind of encyclopedia of Landau's views on various matters. Hess did not explore any of these subjects in detail, did not subject the texts to a close reading, nor did he provide historical contextualization. His thesis, then, is a valuable preliminary step to assembling and organizing information for a monograph on Ezekiel Landau.

The other dissertation, Sharon Flatto's "Prague's Rabbinic Culture: The Concealed and the Revealed in Ezekiel Landau's Writings," is an in-depth critical study of one aspect of Ezekiel Landau's writings and thought, namely, his extensive engagement with Kabbalah. Focusing on Landau's years in Prague, Flatto argues that have regarded him, if not exactly as a rationalist, at least as not a mystic. Although they have acknowledged his familiarity with Kabbalah, these historians have portrayed Landau as concerned primarily with Talmud and Halakha, and as an opponent of too much engagement with mysticism. They often cite Landau's opposition to Hasidism and to the recitation of the mystical *le-shem yihud* formula before the performance of a mitzvah. Flatto demonstrates that Landau was heavily engaged with both mystical texts as well as mystical practices and even advocated these from the pulpit, and that his negative statements concerning public engagement with these have to be seen as deriving from specific historical circumstances, namely, fear of the Sabbatian and Frankist movements then popular in Prague.⁹¹

⁹⁰The definitive study of this issue in Jewish law is Shmuel Shilo's *Dina deMalkhuta Dina* (Jerusalem, 1975).

⁹¹For Landau's relationship to Kabbalah, see the third chapter of this dissertation.

Finally, two historians in recent years have published studies on two specific aspects of Ezekiel Landau's life and work. Sid Leiman, a historian of the Emden-Eibeschutz controversy, published a thorough and insightful study on Landau's role in that affair, focusing on the question of whether or not Landau believed Eibeschutz to be a Sabbatian.⁹² Marc Saperstein, a historian of Jewish sermonic literature, published a social-historical study of Landau's sermons in the context of other contemporary Prague Jewish sermons.⁹³ Saperstein also published a second study focusing on Landau's fervently pro-Hapsburg sermons, including a remarkably emotional eulogy for the anti-Jewish empress Maria Theresa.⁹⁴

Such, then, is the state of the field. All of these works concentrate on Ezekiel Landau's career as rabbi of Prague, a role he assumed at the age of forty-one or forty-two. By that time he had achieved the reputation and eminence that made him a credible, viable, and indeed successful candidate for a senior rabbinic post. No historian has explored the question of how Landau arrived at this position? How, indeed, did any rabbi get to that point? How did one make a name for oneself in the world of pre-modern rabbinic Jewish culture? How did one move from an obscure Volhynian rabbinate to that of an *ir v'eim be-Yisrael*, a "mother city in Israel," as venerable and culturally significant communities such as Prague were called in Jewish literature? In an era that knew nothing of rabbinical seminaries or other professional schools, how were rabbis trained, or, more to the point, what kind of education did one pursue if he wanted to

⁹²Sid Z. Leiman, "When a Rabbi is Accused of Heresy: Ezekiel Landau's Attitude Toward R. Jonathan Eibeschutz in the Emden-Eibeschutz Controversy." Jacob Neusner and Nahum M. Sarna (eds.), *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding: Essays in Honor of Marvin Fox* (Atlanta, 1989), 179-196. See the fifth chapter of this dissertation.

⁹³Marc Saperstein, "Sermons and Jewish Society: The Case of Prague," *idem, Your Voice Like a Ram's Horn: Themes and Texts in Traditional Jewish Preaching* (Cincinnati, 1996), 127-146.

⁹⁴Saperstein, "War and Patriotism in Sermons to Central European Jews: 1756-1815," *ibid.*, 147-161, 445-484.

become a competent rabbi? What skills were valued in a rabbi? Robert Bonfil has correctly noted that "the rabbi emerged in an organic way from the general community of scholars."⁹⁵ How did this occur, or at least how did it occur in the case of Ezekiel Landau? What role did family background or family connections, either those of the rabbi or those of the family into whom he married, play in the development of a successful career. In short, how did Ezekiel Landau become the *Noda BiYhudah*, as he came to be called once he had achieved *gadol* status?

Such an approach studies the world of the pre-modern Ashkenazic rabbinate, its values and prejudices by following the successful journey of one man through the system to its pinnacle. Ezekiel Landau was a ideal product of this system, and he absorbed its values and prejudices. In Landau the Sabbatians and Frankists, the maskilim and proponents of incipient modernization of education and other vital aspects of Jewish life were opposed by the best the Ashkenazic rabbinical system had to offer. Such success as they enjoyed in spite of his opposition indicates not a personal failure on Landau's part as much as the historic inability of the system whose product and defender he was to effectively resist the onset of modernity. On the other hand, such success as Landau enjoyed in delaying and attenuating, and especially in influencing, the Haskalah in Prague, may be viewed as a personal achievement, a tribute to his charismatic personality. The formation of that personality, the subject of this dissertation, will be of interest to historians of the Haskalah as well as historians of the rabbinate and its culture. It is a fascinating subject on its own and certainly merits scholarly attention.

This dissertation is organized chronologically. The first chapter discusses Ezekiel Landau's ancestry and family background, which played such a large role in his life and career. The second chapter describes Landau's formative years and early education in his home town of

⁹⁵Bonfil, *Rabbis and Jewish Communities in Renaissance Italy*, 28.

Opatow, Poland. These chapters benefited enormously from a detailed historical study of the Jews of early eighteenth-century Opatow by Gershon Hundert.⁹⁶ This work, based primarily on Polish archival sources, provides an unusually detailed and contextualized look at the community and family into which Ezekiel Landau was born, something rarely possible in eighteenth-century rabbinical biographies. The second chapter also describes the particular kind of education, Talmudic and pilpulistic, Ezekiel Landau received. It provides a history and analysis of that kind of education and methodology, of which Ezekiel Landau became so prominent an exponent and practitioner. The third chapter discusses Landau's years in Brody, where he received his mature education and where he became a member of an elite scholarly institution, the Brody Kloiz, and where he began his career as a teacher, judge, and halakhic authority. The fourth chapter discusses Landau's decade as communal rabbi of the Volhynian community of Yampol, where he emerged as a leading Polish rabbi. The fifth chapter discusses one of the most important events of Landau's years in Yampol, his participation in the Emden-Eibeschutz controversy of the early 1750s. Landau's controversial role in this dispute catapulted him to fame in the rabbinic world, and led to his election as communal rabbi of Prague, the largest Jewish community in Europe. A concluding chapter surveys Landau's four decades in Prague, years of distinguished success and bitter disappointment.

This dissertation utilizes Landau's own published writings. These may be classified as responsa; pilpulistic Talmud commentary; pilpulistic *drush*; and homiletical sermons. Ezekiel Landau was first and foremost a Talmudist and a pilpulist, and even his responsa, which deal with questions of law and were technically not pilpulistic, reflect these influences and interests. It is clear that most of his day was taken up with thinking about Talmudic and pilpulistic matters.

⁹⁶Gershon Hundert, *The Jews in a Private Polish Town: The Case of Opatow in the Eighteenth*

To understand Ezekiel Landau, even as a young man, it is necessary to engage with his pilpulistic mode of thought as reflected in these documents. This dissertation will therefore analyze and discuss his responsa, included in the *Noda BiYhudah*, dating from his years in Brody and Yampol, that is, from the mid 1730s to the mid 1750s. Our aim is not merely to recover realia from these documents. Rather, we will focus on the pilpulistic and halakhic content, on the argumentation per se as well as on those factors that in Landau's own words influenced his arguments and decisions. In these responsa lies the essential Ezekiel Landau.

Of course, the use of responsa by the historian involves a number of methodological problems. First of all, our collection is not representative; many responsa were lost in the fire of 1775. Second, the responsa presented in the *Noda BiYhudah* were edited by Ezekiel Landau for publication decades after they were composed, and the editing process is not transparent. Third, the very use of responsa as a historical source is not free of potential methodological pitfalls, as pointed out by experts such as Bernard Weinryb and Haym Soloveitchik, who have demonstrated that rabbinical responsa cannot simply be taken at face value.⁹⁷ On the other hand, many of the methodological problems raised by these and other historians, such as accuracy of transmission and the problem of scribal error, apply more to medieval collections than to modern collections such as the *Noda BiYhudah*, whose first volume was published by the author himself.

In addition to the responsa, this dissertation utilizes a fragment from the *pinkas*, the minute-book of the *hevra kadisha*, the burial society, of Yampol, which contains important information about Ezekiel Landau's role as communal rabbi of that town, and on the *Tzlah*,

Century (Baltimore, 1992).

⁹⁷Bernard Weinryb, "Responsa as a Source for History (Methodological Problems)," H.J. Zimmels, J. Rabinowitz and L. Finestein (ed.), *Essays Presented to Chief Rabbi Israel Brodie on the Occasion of His Seventieth Birthday* (London, 1967), 399-417; Haym Soloveitchik, *She'elot u-Teshuvot ke-Mekor Histori* [Responsa as a Historical Source] (Jerusalem, 1990).

Landau's collection of pilpulistic comments on the Talmud published by the author, some of which can be dated to the years before he moved to Prague. Similarly, Landau's *Doresh le-Tziyon*, though published much later, contains pilpulistic sermons he delivered in Yampol, though they were subsequently heavily edited and must be used with caution as a reflection of his early years.

A major event of the first half of Landau's life was the Emden-Eibeschutz controversy of the 1750s. Ezekiel Landau played an important role in this episode, and I have utilized all the primary sources, including the published works of Emden and Eibeschutz, as well as the unpublished but vital *Gahalei Esh*, the collection of relevant documents by Emden's aide, Joseph Prager. Indeed, this dissertation focuses on significant differences between published and manuscript versions of a famous letter composed by Ezekiel Landau in the course of the controversy.

A study of the early career of Ezekiel Landau reveals a fascinating historic personality, an aristocratic man both worldly and ascetic, of profound intellectuality and ambition and profound idealism, above all a man of great ability who represents the best the pre-modern rabbinic system was capable of producing. A detailed study of the career of this pillar of the Establishment career affords us a new angle from which to observe and analyze European Jewish history during the culturally tempestuous eighteenth century.

THE LANDAUS OF OPATOW: AN ELITE JEWISH FAMILY IN POLAND
IN THE FIRST HALF OF THE EIGHTEENTH CENTURY

The Family

Ezekiel Landau did not enter the rabbinate, and certainly not the communal rabbinate, by chance or happenstance. He was born and bred to it. Twelve of his seventeen brothers and cousins were rabbis of Jewish communities in Poland.⁹⁸ His family had been associated with both rabbinic scholarship and communal leadership for generations. The Landaus were one of a number of powerful families who dominated Polish Jewry in the seventeenth and eighteenth centuries through wealth, connections, and scholarship.⁹⁹ In the course of the eighteenth century these families sought to hold rabbinic office in as many communities as possible, and they succeeded in winning election to numerous communal rabbinate, often in the face of spirited opposition from competing candidates, who were themselves members of, or backed by, other powerful families and interests. The Landaus did not shy away from power or from the struggle

⁹⁸ Hundert, *The Jews in a Private Polish Town: The Case of Opatow in the Eighteenth Century*, 119.

⁹⁹ *Ibid.*, 117.

The oligarchical domination of the Polish Jewish communities in general has been often discussed. See, for example, Simon Dubnow, *History of the Jews in Russia and Poland* (Philadelphia, 1916), 192; Salo Baron, *The Jewish Community I* (Philadelphia, 1945), 336; Ben-Zion Dinur, *Be-Mifneh ha-Dorot* (Jerusalem, 1955), 100-110; Jonathan I. Israel, *European Jewry in the Age of Mercantilism, 1550-1750* (London, 1998), 157.

for power. Indeed, they demonstrated a zest for political combat, enthusiastically engaging other families and groups, and no less energetically taking on members of their own family, in contests for power and office. To young and intellectually gifted Ezekiel Landau, becoming a communal rabbi was a natural, almost inevitable, career path, although unlike other family members and contemporaries, Ezekiel did not combine a rabbinical career with a career as a merchant.

The rabbinate is first and foremost an institution of scholarship, and the Landaus could certainly boast a long tradition of rabbinical scholarship, stretching back to the sixteenth century, and possibly to the fifteenth. The first mention of the family name Landau in Jewish history appears in the mid-fifteenth century. Landau is a town in the Rhenish Palatinate, and a rabbi named Judah Leib, a prominent scholar known as "Rabbi Loewe," served as communal rabbi of Landau in the mid-fifteenth century, hence the family name of Landau. Judah Landau was a student of the leading Rhenish rabbinical figure, Jacob Moellin, and is respectfully cited in contemporary Rhenish rabbinical sources.¹⁰⁰ Judah Landau's son, Jacob, emigrated to Italy and eventually settled in Naples, where in 1487 he published a halakhic work entitled *Agur*, which became a classic of rabbinic literature. A compendium of Ashkenazic legal rules, customs, and learned opinions, *Agur* was one of the sources frequently cited (nearly two hundred times) by the two leading rabbis of the sixteenth century, Joseph Karo of Safed and Moses Isserles of Cracow, in their law codes, *Beit Yosef* and *Shulchan Arukh*.¹⁰¹ Since these two codes attained authoritative

¹⁰⁰ For the Jewish community of Landau, see *Encyclopedia Judaica* X 1384. Biographical information concerning Judah Landau is collected in Moshe Hirshler, *Sefer Ha-Agur* (Jerusalem, 1960), 8-9.

¹⁰¹ Karo (1488-1575) published *Beit Yosef* and *Shulchan Arukh*, the former a law code including sources and legal reasoning, the latter the rulings minus the sources and reasoning. Isserles (1530-1572) published important supplements and dissents to *Shulchan Arukh*. These supplements and dissents attained the same authoritative status as the *Shulchan Arukh* itself, and every edition of the *Shulchan Arukh* after 1571 contains the rulings of Karo and the supplements and rulings of Isserles.

and indeed canonical status in the rabbinical world, the inclusion of the *Agur* in such works assured it the status of a classic of halakhic literature and made the name Jacob Landau famous throughout the early-modern and modern rabbinical world.¹⁰² Jacob Landau mentions a son, Abraham, who also lived in Naples.¹⁰³

We do not know anything more about these Landaus of Naples, and we cannot ascertain whether or not they were related to the Landaus of Central Europe, Ezekiel's family. Ezekiel Landau did cite the *Agur* four times in his responsa, but he did not indicate any family connection. On the other hand, other Landaus did refer to the author of the *Agur* as an ancestor. A certain Rabbi Nosson Nota Landau (1840-1907), rabbi of Oswiecim (Auschwitz), stated that his mother was a Landau of Opatow, and that this family traced its origins back to the author of the *Agur*.¹⁰⁴ As a Landau of Opatow, Nosson Nota's mother was a relative of Ezekiel Landau, and if the report is accurate, then at least some of the Opatow Landaus considered themselves descended from Jacob Landau of Naples. Similar claims are made in the published works of Israel Jonah Landau (d. 1824) and his son Joseph Samuel (1800-1836). These two were descendants of Ezekiel Landau's uncle, also named Ezekiel.¹⁰⁵

For a history and an analysis of these codes, see Hayim Tchernowitz, *Toldot HaPoskim* (New York, 1947), Volume III; Isadore Twersky, "The Shulhan Arukh: Enduring Code of Jewish Law," in his *Studies in Jewish Law and Philosophy* (New York, 1982); and Menahem Elon, *HaMishpat HaIvri* (Jerusalem, 1978), 1087-1185.

¹⁰²For an analysis of the *Agur* and its history, including its place in the halakhic literature, see Tchernowitz, *Toldot HaPoskim* II (New York, 1947), 272-277; and Hirshler, 11-12.

¹⁰³Hayim Dov Berish Friedberg, *Bnei Landau uMishpehotam* (Frankfurt, 1905), 11; Hirshler, 8.

¹⁰⁴Nosson Nota Landau, *Urah HaShahar* (Przemysl, 1882), 3. For biographical information, see Meir Wunder, *Entziklopedia le-Hakhmei Galitziya* III (Jerusalem, 1986), 674-679.

¹⁰⁵See Zvi Michelson's biographical introduction to Israel Jonah's *Shirat Yisrael* (Jerusalem, 1897), 2-4, and *Ein HaBedolah* (Jerusalem, 1901); and the introduction to Joseph Samuel's *Mishkan Shiloh* (Breslau, 1834), where the author states plainly: כל משפחת לנדו הם נכדי מהר"י לנדו: בעל האגור.

The question of a connection between the Landaus of Naples and those of Central Europe was debated by genealogists in the early twentieth century. In 1905, the bibliographer and

While the Naples connection is questionable, we can trace Ezekiel Landau's Central European antecedents without too much difficulty, and these were distinguished. The Jews were expelled from Landau in 1545, and five years later, we find a Rabbi Moshe ben Yekutiel of Landau (רבי משה בן יקותיאל איש לנדא; רבי משה מלנדא), a venerable senior scholar of long-standing reputation (זקן וישיש אשר טעמו ונימוקו עמו), residing in Prague, although he had spent most of his career in Germany.¹⁰⁶ Moshe Landau appears in the responsa literature of the mid-sixteenth century as a rabbinic scholar highly respected by his peers and an acknowledged halakhic expert. When a bitter halakhic dispute between rabbinical scholars broke out in Prague in 1550, it was to Moshe Landau that both sides turned to settle the matter. A divorce had been executed by certain Prague rabbis without the knowledge or consent of the chief rabbi, a serious breach of protocol. The latter declared the divorce invalid on technical grounds, and the local rabbis challenged the chief rabbi's arguments. This controversy soon spread beyond the confines of Prague to the greater rabbinic world (a not uncommon occurrence in such matters, as Ezekiel Landau was to discover two centuries later on more than one occasion), with such distinguished rabbinical figures as Shalom Schachna of Lublin, the foremost rabbi in Poland, and the *beth din*, the rabbinic court of Venice, weighing in on the matter. The Italian rabbis recommended that the

genealogist Bernhard Friedberg published a study of the Landau family, entitled *Die Familie Landau, ihre Genealogie, nach den Quellen bearbeitet*. Friedberg speculated (p. 11) that Jacob Landau of Naples, author of *Agur*, was the grandfather of Moshe Landau of Prague. This speculation was sharply criticized by another bibliographer-genealogist, Feivel Wettstein, who pointed out that different families could share the name Landau, which merely indicated the town from which the family originated. Wettstein, a specialist in Polish Jewish genealogy, pointed to other contemporaries named Landau who were in no way related to the Landaus of Italy or even to Moshe Landau of Prague. See Wettstein, *Letoldot Yisrael ve-Hakhamav be-Folin* (1918), 12-22.

¹⁰⁶For the expulsion of the Jews from Landau, see *Encyclopedia Judaica* X 1384. For a biography of Moshe Landau, see Asher Ziv, *Rabbenu Moshe Isserles* (New York, 1972), 68-71. See also *She'elot uTeshuvot She'erit Yosef* 46, where Moshe Landau recounts what had been the halakhic practice in Nuremberg.

entire matter be submitted to the "great and aged scholar" Rabbi Moshe Landau, "one of the great saints of Ashkenaz," who was living in Prague at that time. Although they knew that Moshe Landau did not wish to become involved in the affair, they appealed to him to intervene and agree to judge the case. Landau's decision was to be final. Eventually, both sides did just that.

Sometime later, Landau left Prague (possibly as a result of his decision in the controversy) and moved to Cracow. Here he was accorded the highest honor and deference by such outstanding scholars as Rabbi Moses Isserles and Rabbi Solomon Luria, who was no respecter of persons.¹⁰⁷ At the time of his death in 1561 Landau was the senior member of Isserles' *beit din*, Cracow's foremost rabbinic court, a leading member of the Jewish establishment.¹⁰⁸

Aside from one son who died in 1565, Rabbi Moshe's children and grandchildren did not attain fame as scholars.¹⁰⁹ Instead, these late-sixteenth and seventeenth century Landaus attained prominence in commerce and communal leadership, and eventually became part of the Polish-Jewish "aristocracy" through wealth and communal office, rather than through rabbinic scholarship. We cannot ascertain exactly when this process commenced. All that we know about Rabbi Moshe's second son, Yekuti'el, is that he remained in Cracow and died there in 1614, a century before Ezekiel Landau's birth. But we do know that Yekuti'el's son, Yitzhak, was one of

¹⁰⁷Samuel A Horodezky, *Le-Korot ha-Rabbanut* (Warsaw, 1910), 123-144.

¹⁰⁸The fullest account of the life of Moshe Landau, including a survey of the existing literature, is to be found in Asher Ziv's critical edition of the Responsa of Moses Isserles of Cracow, *She'elot u-Teshuvot ReMA*, (Jerusalem 1970), 32-34 and note 18 to responsum 56. Friedberg, *Bnei Landau*, 11, speculates that Landau had to leave Prague as a result of his role in the controversy. The details of the controversy are given in the Responsa of Isserles, nos. 55-59. These responsa were included in this collection even though they have no connection to Isserles himself, who did not participate in the entire affair, see the first footnote to responsum 55.

the *alufim*, or chiefs, of the Jewish community of Cracow, and that Yitzhak's son, Yosef, succeeded to his father's position upon the latter's death, sometime in the mid-seventeenth century.¹¹⁰ Thus, Rabbi Moshe, his grandson, and great-grandson, all held communal office in Cracow, one of the most prestigious Jewish communities in Poland, at a time when the only persons elected to such offices were the well-to-do, the well-connected, and the scholars.¹¹¹ As far as we know, Rabbi Moshe Landau was not a man of means. His membership in the elite derived from his rabbinical scholarship, which was indeed a source of prestige and power. We likewise do not know anything about the economic situation of his son and grandsons, although the fact that the grandson was an official of the prestigious Cracow community suggests that he was wealthy, especially when there is no evidence that he was a scholar of note. We do know that by the next generation the Landaus had become rich, for Yosef's son, Benjamin Wolf, was referred to as a *katzin*, a magnate, a title reserved for the very wealthy.¹¹²

This Benjamin Wolf was a second son. His older brother remained in Cracow and eventually succeeded to his father's office.¹¹³ Benjamin Wolf moved to Opatow. He was the ancestor of the Opatow Landaus. We do not know the source of his wealth, but he was clearly a member of the Opatow Jewish elite; his son married Witta, the daughter of the wealthy rabbi of Opatow, Yitzhak ben Ze'ev.¹¹⁴ This was a union with an elite family of wealth and scholarship.

¹⁰⁹Moshe Landau's son Samuel is cited as a scholar together with his father in the responsa literature, see Friedberg, 11-12, where the date of his death in Cracow is given.

¹¹⁰For information on Yekutiel Landau and his son and grandson, see Friedberg, 12, and Nathan M. Gelber, *Brody*, (volume 3 of *Arim ve-Imahot be-Yisrael*) (Jerusalem, 1955), 72-73.

¹¹¹See note 2 above.

¹¹²Friedberg, *Benei Landau*, 12. On the social significance of the term *katzin*, see Jacob Katz, "Nisuim ve-Hatei Ishut be-Motza'ei Yemei ha-Beinayim," *Zion* 10 (1944-45), 31.

¹¹³*Ibid.*

¹¹⁴Friedberg, 13. Witta's children and grandchildren were called "Witta's" or "Vitches," the local Yiddish version. Jacob Emden, for example, frequently refers to the Landaus as "the family

Yitzhak ben Ze'ev of Krotoszyn was the son and grandson of chief rabbis of Posen and Krotoszyn; he himself was the son-in-law of a magnate, Nahum of Sandomierz. Yitzhak ben Ze'ev went on to become chief rabbi of Cracow as well as a factor of the king of Poland.¹¹⁵ Through this marriage the Landaus became associated with the elite stratum of Polish Jewry, who combined economic power and rabbinical scholarship with the highest of communal offices, the chief rabbinate of important communities. Indeed, the next generations of Landaus would tread precisely this path. Through this strategic matrimonial alliance, Benjamin Wolf not only joined the elite of Opatow, he ensured that his children and grandchildren, who were known as "Wittas," probably because Wittas's family was more prestigious, would play an important role in Polish Jewish affairs.¹¹⁶

Benjamin Wolf's son, Ezekiel, was, not surprisingly, a prominent member of Opatow's Jewish community. He held the communal offices of *aluf* and *dayan*, chief and judge.¹¹⁷ He was a merchant; we know that he attended the Leipzig fair in 1680. He was also a tax farmer; we know that he farmed the kahal commerce tax together with three partners in 1683.¹¹⁸ This tax on commercial profits was one of the *kehila's* principal sources of income.¹¹⁹ Whoever farmed the tax was entitled to collect all "sales taxes" in the community. Obviously, such an office placed Ezekiel at the heart of the community's finances; the Landaus remained there for the next several

called *Vitches*," see *Megilat Sefer* (ed. D. Kahana). Warsaw, 1896) pp. 40 and 44; *Shevirat Luhot ha-Even* (Altona, 1759) p. 50a *Sefer Hitavkut* (Altona, 1762) p.147b.

¹¹⁵ Hundert, 32, 118.

¹¹⁶ Ibid. On matrimonial alliances in Early-Modern Jewry, see Jacob Katz, "Nisuim ve-Hayei Ishut," 31-34.

¹¹⁷ Friedberg, 13.

¹¹⁸ Hundert, 118.

¹¹⁹ Ibid., 31-32, 96-97.

generations, provoking controversy on more than one occasion.¹²⁰ When Ezekiel died in 1692 he left three sons and a daughter. The eldest son subsequently died by drowning, and the third son moved to Tarnow in Galicia, where he founded a dynasty of rabbis and communal leaders.¹²¹

The second son, Tzvi Hirsch, remained in Opatow, where he lived until his death in late 1714. He married into one of the most illustrious families in Poland. His wife was the granddaughter of Abraham Joshua Heschel, famed as "the Rebbe Reb Heschel," the foremost rabbinical authority in mid-seventeenth century Poland, rabbi and *rosh yeshiva* in Lublin and Cracow, and teacher of the leading Polish rabbis of the day.¹²² Under the leadership of Tzvi Hirsch, "Reb Hirsch Vitches," as he was called, the Landau family reached the highest rung of the Polish Jewish power structure. Locally his power was supreme. In the words of the *pinkas* of the *hevra kadisha* of Opatow, all communal affairs in the town were subject to his control (כל (עניני הצבור נחתכים על פי from the year 1686 until his death.¹²³ He was not only the most influential Jew in Opatow and one of the bosses of the *galil*, the region of Cracow-Sandomierz, he was admitted to membership in the Council of the Four Lands, the "inner circle" of power in contemporary Polish Jewry.¹²⁴ Tzvi Hirsch's name appears in five surviving documents of the Council of the Four Lands, three claims by Tzvi Hirsch for reimbursement from the *kahal* for

¹²⁰Hundert, 139.

¹²¹Ibid.

¹²²Ibid. Hundert states that Tzvi Hirsch married the daughter of Dr. Naftali Hirsch Oettinger of Przemyśl. However, Ezekiel Landau's biographer, Yekutiel Kamelhar, writes that Tzvi Hirsch married the daughter of Eliezer the son of Rabbi Abraham Joshua Heschel (*Mofet haDor* Pieterkov, 1903, p. 2). Ezekiel Landau himself states in one of his responsa (*Mahadura Kamma, Even ha-Ezer* 87) that "the Rebbe Reb Heschel" was his ancestor. Proud reference to this ancestry is also made by Ezekiel's son and biographer, Yakobka Landau, in his introduction to the *Noda BiYhudah*, entitled *Divrei Yedidut*. It seems that Kamelhar is correct here.

¹²³Friedberg, 13.

¹²⁴For a characterization of these "bosses" (his term), see Simon Dubnow, *History of the Jews in Russia and Poland* (Philadelphia, 1916), 192-193.

expenses incurred in dealing with tax matters, and two decrees of the Council of the Four Lands which Tzvi Hirsch signed as a member of the Council.¹²⁵ As we shall see, Tzvi Hirsch was able to bequeath his offices to his heirs.

Tzvi Hirsch seems to have been a determined opponent of Sabbatianism, earning praise from Sabbatianism's arch-foe and relentless chronicler, Rabbi Jacob Emden.¹²⁶ According to Emden, Tzvi Hirsch had his own brother-in-law, Nota, imprisoned and persecuted for Sabbatianism. Indeed, Emden includes Tzvi Hirsch in a group of three prominent individuals in Poland whose loyalty to Rabbinic (as opposed to Sabbatian) Judaism took precedence over familial ties.¹²⁷

Elsewhere, Emden tells another, unflattering, story about Tzvi Hirsch. In his autobiography, Emden states that his sister Nehama married the grandson of Tzvi Hirsch in 1714. Emden was seventeen at the time, the son of Hakham Tzvi Ashkenazi (died 1718), one of the foremost rabbis of the day.¹²⁸ Hakham Tzvi had held rabbinical positions in major communities, including Altona-Hamburg and Amsterdam. A strong personality, Hakham Tzvi had a stormy career, especially in Amsterdam, where he alienated the powerful Portuguese Jews

¹²⁵Hundert, p. 118. Halpern, *Pinkas Vaad Arba Aratzot* (Jerusalem, 1945), documents 499, 505, and 508, which are copies from the Opatow *Pinkas* (a copy of which was preserved in Warsaw), and nos. 520 and 552, decrees of the Council of the Four Lands.

¹²⁶On Emden, see Jacob J. Schacter's unpublished dissertation, "Rabbi Jacob Emden: Life and Major Works" (Harvard, 1988).

¹²⁷ככה היו מנהיגי הדור שלפנינו בפולין, לא נשאו פנים בתורה. כמו שידענו מהקצין החכם וירא את ה' כמה"ר ר' הענוך מזאלקווי אשר חרפה לא נשא על קרובו, השוטה משה ואייסלב ונתנו במאסר על שנדבק בשבתי צבי שם רשעים ירקב. וכן עשה לפנים הקצין המשכיל ר' הירש וויטשין מאפטא לגיסו ר' נטע, שרדפו על ככה. בדבר הזה לא חמלו על אח ועל אחות. Jacob Emden, *Torat ha-Kana'ut* (Amsterdam, 1752), 72b.

¹²⁸The main source of information concerning Hakham Tzvi is Jacob Emden's autobiography, *Megilat Sefer* (Warsaw, 1897), 7-53. Emden was Hakham Tzvi's son, and his account of his father is filial-pietistic. A scholarly biography of Hakham Tzvi, a most important rabbinic figure, remains a desideratum.

there by leading a campaign against the Sephardi Sabbatian, Nehemiah Hiyya Hayon.¹²⁹ As a result of the controversy Hakham Tzvi was forced to leave Amsterdam early in 1714 and relocated, first to Altona, then to Breslau, and subsequently to Poland.

Sometime during this fateful year, Hakham Tzvi had engaged his daughter to Naftali Hirsch, the son of Tzvi Hirsch's eldest, Abraham.¹³⁰ Now, in the winter of 1714-1715, the bride's entire family, including Hakham Tzvi, his pregnant wife (who was in her ninth month), and their ten children came to Opatow to celebrate the wedding. Just when they arrived, a fire destroyed the city, forcing the bride's family to take up residence in a nearby village, where the bride's mother proceeded to deliver her eleventh child. Subsequently the marriage was celebrated.

Immediately afterward, Hakham Tzvi, accompanied by his son Jacob Emden, went to Hamburg to sit on an important case there. He left the rest of the family in Opatow. Sometime in early 1715, after the case was adjudicated (and Jacob Emden married off), Hakham Tzvi returned to Opatow, which was just being rebuilt. Here, Emden relates, an incident occurred. A controversy of some sort had broken out in the Opatow Jewish community between the Landaus and some other group or groups. In the course of the dispute two respected members of the Jewish community, one Y. Deikhes and his colleague, were hanged by the Polish authorities, that is, by officials of the town's owner, Prince Alexander Lubomirski.¹³¹ These men were hanged at the instigation of the Landaus, specifically Tzvi Hirsch. The two victims were described by

¹²⁹For a detailed account of this affair, see Elisheva Carlebach, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Controversies* (New York, 1990), 75-159.

¹³⁰Hundert, 121.

¹³¹The account of the marriage and the incident of the two hanged men is found in *Megilat Sefer*, 40-44. Emden retold the story of the two men in his *Shevirat Luhot ha-Even* (Altona, 1756), 50a, and he referred to it briefly in his *Sefer Hitavkut* (Altona, 1762), 147b. Hundert, 134, provides a list of the Opatow's town owners.

Emden as highly respected and scholarly (שני אנשים בעלי צורה, לומדים חשובים).¹³² The Landaus, Emden, charged, slandered them to the authorities. Emden went on to state that such outrageous behavior was typical of the Landaus, who were powerful (משפחה תקיפה...גברי אלמי) and notorious for quarreling and engaging in bitter disputes with everyone (בעלי מחלוקת ומריבה תמיד עם הכל).¹³³ Hakham Tzvi was so outraged by this delation that when Tzvi Hirsch Landau was dying not long after the incident, he, Hakham Tzvi, refused to pay a courtesy call on the dying man, as protocol demanded. Hakham Tzvi declared, "Will I be a friend to informers?!" (וכי חבר אני למוסרות)¹³⁴

Hakham Tzvi was so angry at the Landaus that he accepted an offer to move to the estate of one of the wealthiest and most powerful Jews in Poland, Israel Rubiniwicz, general-manager of the lands of the Sieniawski-Czartoryski dynasty in central Poland. This powerful official, a "central official in the Sieniawski-Czartoryski administration," deemed it an honor to financially maintain such an eminent rabbinical figure as Hakham Tzvi and his family in a very generous style for the next three years, at which time Hakham Tzvi was elected to the prestigious and lucrative post of rabbi of Lvov and Ruthenia.¹³⁵

Emden, then, portrays Tzvi Hirsch Landau as a man of power, wealth and social prominence. As is evident from his subsequent treatment in Poland, Hakham Tzvi was held in high regard there, regardless of his forced removal from Amsterdam and Germany. Presumably,

¹³²*Megilat Sefer*, 44.

¹³³*Ibid.* Emden, a devotee of Hebrew puns and *doubles entendres*, made fun of the Landau's nickname of *Korhi*. This designation was one of pride, denoting descent from the ancient Levitical family of Korah, described the Bible as members of the establishment of the Temple in Jerusalem and as authors of some of the Psalms. Throughout his polemical writings, Emden attributes the name to Korah, the opponent of Moses, whose name is described in the Bible as a byword for contentiousness.

¹³⁴*Ibid.*

¹³⁵*Megilat Sefer*, 44-45. For detailed information on Israel Rubinowicz, see M.J. Rosman, *The Lord's Jews: Magnate-Jewish Relations in the Polish-Lithuanian Commonwealth during the 18th Century* (Cambridge, 1990), 154-184.

he could have contracted a matrimonial alliance with any number of important Polish or Central European families. He chose the Landaus of Opatow, specifically, the grandson of Hirsch Vitche's. An indication of Tzvi Hirsch's preeminence is the fact that nowhere in Emden's account is the name of the groom or the groom's father given; it is always "the grandson of Hirsch Vitche's." The marriage was clearly negotiated between Hakham Tvi and Tzvi Hirsch Landau. If they agreed to unite their families in marriage, each must have considered the match advantageous. Tvi Hirsch clearly did not marry his grandson to Nehama for money; Hakham Tzvi was not a wealthy man. Rather, he gained prestige by being connected with one of the "super-rabbis" of the day. For his part, Hakham Tzvi did marry his daughter to a wealthy family, but the Landaus must have been sufficiently prestigious for the marriage to have been an honorable one from the great rabbi's point of view. The Landaus were not distinguished scholars, but they were scholars, Tzvi Hirsch's sons at any rate. As we shall see, at least two of his sons became communal rabbis, one of them rabbi of the important communities of Zolkiev and Cracow. From Ezekiel Landau's account of how his father Judah (Tzvi Hirsch's son) coached him for his learned encounter with the new rabbi of Opatow, it is evident that Judah Landau was a pilpulist.¹³⁶

In addition to respectable, though not noteworthy, scholarship, the Landaus certainly possessed political power through their contacts with the Polish town-owner and his governmental apparatus. Specifically, Tzvi Hirsch is recorded as having utilized his connections with the Polish authorities to imprison his Sabbatian brother-in-law and to have two Jewish citizens of Opatow hanged. As an arch-opponent of Sabbatianism, Rabbi Jacob Emden warmly approved the use of such power against the Sabbatian. However, he condemned the same use of

¹³⁶See the account at the end of the second chapter of this dissertation.

power against the two Jewish citizens, referring to it as *mesirah*, delation to gentile authorities, one of the worst sins in Judaism. To Emden, only that most exceptional of circumstances, the struggle against heresy, justified *mesirah*. Under any other circumstances it was reprehensible.

Is Emden's account reliable? Emden wrote his autobiography and other accounts in the years 1752-62, four decades after the events. At the time of their writing, Emden was engaged in a great controversy with his rival, Rabbi Jonathan Eibeschutz of Altona-Hamburg-Wandsbek, over the latter's alleged Sabbatianism.¹³⁷ The Landaus in Poland emerged as allies of Eibeschutz, which caused Emden to hate them and to condemn them in the strongest terms. Emden's writings are peppered with derogatory references to the Landaus, and these writings are indeed the sole source for a number of items of information, all of them negative, concerning the members of the Landau family, including Tzvi Hirsch, his sons, and grandsons.¹³⁸ Thus, the historian who makes use of Emden's works must do so cautiously and judiciously, realizing the bias of the source. On the other hand, historians have not simply dismissed Emden's writings as unreliable. Of the contrary, a number of Emden's assertions have been confirmed by historical research.¹³⁹

There can be no question that in the 1750s Emden hated the Landau family. In a letter written at that time to the Jews of Teplitz in Bohemia, Emden listed ten criticisms of Ezekiel Landau, who had become Chief Rabbi of Prague. The first item on the list was the very fact that

¹³⁷This controversy is described in detail in the fourth chapter of this dissertation.

¹³⁸For examples of Emden's remarks concerning Judah and Yitzhak Landau, see below.

¹³⁹For the historiography on Emden and the problems involved in using his works, see J.J. Schacter's unpublished dissertation, "Rabbi Jacob Emden: Life and Major Works" (Harvard, 1988), especially the introduction. For an example of the careful use of Emden's works, see Sid Z. Leiman, "When a Rabbi is Accused of Heresy: Ezekiel Landau's Attitude Toward R Jonathan Eibeschutz in the Emden-Eibeschutz Controversy," *From Ancient Israel to Modern Judaism: Intellect in Quest of Understanding. Essays in Honor of Marvin Fox* (Atlanta, 1989), 179-194; *idem*, "Mrs. Jonathan Eibeschutz's Epitaph: A Grave Matter Indeed," *Scholars and Scholarship: The Interaction between Judaism and Other Cultures. the Bernard Revel Graduate School Conference Volume* (New York, 1990), 133-143.

Ezekiel was a Landau! "In that family, not a single one of them ever does anything good!"¹⁴⁰ Nevertheless, Emden's two accounts of Hirsch Vitche's do ring true. First of all, Hirsch's imprisonment of his Sabbatian brother-in-law is reported as a positive, praiseworthy act, something Emden would never do if it were not true. Secondly, Emden's description of Hirsch's connection with the Poles and of his quarrels with the Opatow Jewish community does tally with what we know from other sources. That is, we have documentation concerning many quarrels between Hirsch's sons and the community in later years, in the course of which the sons had recourse to their Polish connections, although we do not have anything specific about Tzvi Hirsch in this regard. On the other hand, we do know that another prominent and powerful Polish Jewish family, the Heilperins, had settled in Opatow not long before the story, and that a member of that family, Abraham ben Eliezer Lipman Heilperin, had acquired the position of communal rabbi of Opatow in 1712.¹⁴¹ It is by no means improbable that a quarrel between the two factions broke out not long after, at the time of the wedding of Jacob Emden's sister. In conclusion, Emden's account may be accepted as reliable.

"The two generations of Landaus following Tzvi Hirsch took the family to the summit of its influence in Opatow, in particular, and in east central Europe, in general."¹⁴² Tzvi Hirsch had four sons and a daughter, whose husband became the rabbi of one of the satellite towns of Opatow. When she died young, her son moved to Opatow and called himself Landau. Her four brothers all became prominent, which is not surprising considering the power and wealth of their father, Tzvi Hirsch. The sons themselves engaged successfully in the trade in luxury fabrics, and for a number of years three of the four sons and their respective families lived together in two

¹⁴⁰ במשפחת הקרחים אין עושה טוב אין גם אחד *Hitavkut* (Altona, 1762) 147b.

¹⁴¹ Hundert, 174.

¹⁴² Quotation from Hundert, 118.

large adjoining houses along with their uncle and his family.¹⁴³ The eldest son, Avraham, seems to have succeeded to Tzvi Hirsch's communal offices; he was frequently a communal elder between 1711 and 1747.¹⁴⁴

But it was Tzvi Hirsch's second son, Yitzhak, who exemplified the new trend of things. In addition to a successful career as a merchant of textiles and furs, Yitzhak aspired to the rabbinate, and he indeed pursued a successful rabbinical career. Wealthy, the son of the great Hirsch Vitche's, Yitzhak married the daughter of Polish king John Sobieski's Sephardic Court Physician, Emmanuel de Jona, who was also a rabbinic scholar and a former chairman on the *Va'ad Arba Aratzot*.¹⁴⁵ Yitzhak started out as rabbi of the townlet of Tarlow, another satellite of Opatow, and moved up to the rabbinate of Opatow itself, which he seems to have occupied until he became involved in an acrimonious quarrel with his younger brother, who likewise wanted to be the town's rabbi (see below). From Opatow, Yitzhak moved up to the prestigious rabbinate of Zolkiev, the home of a famous printing press, which led many authors to seek his approbation to their works, which in turn added to his prestige. Zolkiev was owned by the Sobieskis, and Yitzhak's father-in-law had been physician to King John Sobieski, a fact which cannot have hurt his prospects for election, especially considering the fact that constitutionally, the communal rabbi in Zolkiev was elected by nine persons!¹⁴⁶ From there he went on to the chief rabbinate of all Ruthenia. His career culminated in his bitterly but successfully fought election to the

¹⁴³Ibid., 120.

¹⁴⁴Ibid., 197.

¹⁴⁵On Emanuel de Jona, see Israel Biderman, *Mayer Balaban, Historian of Polish Jewry* (New York, 1976), 103.

¹⁴⁶On the Sobieskis and Zolkiev, see Adam Teller, "The Magnates' Attitude to Jewish Regional Autonomy," in *Scripta Hierosolymitana* XXXVIII (Jerusalem, 1998), 256. Zolkiev was sold by the Sobieskis to the Radziwills in 1740 (p. 259). On the elections there, see S. Buber, *Kirya Ne'emanah* (Cracow, 1903), 84.

rabbinate of Cracow, one of the leading positions in Poland, and indeed in all Europe. He retained this position to his death.¹⁴⁷

Opatow

Opatow in 1713, the year Ezekiel was born there to Hirsch Vitche's son Judah, was no small shtetl, in the sense of an out-of-the-way Jewish village. It was a town of about a thousand Jews and nearly as many non-Jews; the proportion of Jews to non-Jews would steadily grow in the eighteenth century.¹⁴⁸ Jews had lived there since at least the mid-sixteenth century, when they had been granted a generous local charter of privileges by the magnates who owned the town, Konstanty Ostrogski and Michael Radziwill. The charter was subsequently renewed and even

¹⁴⁷For Yitzchak Landau, see Hundert, p. 120 and 197, where a list of the books containing his *haskama*, or approbation, is given. Numerous references to Yitzchak Landau in Halpern's *Pinkas Va'ad Arba Aratzot* indicate Yitzchak's prominence in Polish Jewish life. For information on some of the political controversies in which Yitzhak was a key protagonist, especially the disputes over the chief rabbinate of Lvov and Cracow, see Adam Teller, "The Magnates' Attitude to Jewish Regional Autonomy," 257-258; and Mayer Balaban, "Josue Jonas Frankel, Rabbiner in Krakow und Seine Zeite, 1742-1745," MGWJ 60 (1916), 381-391, 453-467. See also Friedberg, p. 14; Gelber, pp. 41-43.

¹⁴⁸Opatow in the eighteenth century is the subject of a detailed study by Gershon Hundert, *The Jews in a Private Polish Town: the Case of Opatow in the Eighteenth Century* (Baltimore and London, 1992). According to Hundert (p. 1), "Throughout the eighteenth century, most of the people who lived in the town of Opatow were Jews. The total population probably never exceeded 4,000, a figure it may have reached during the third quarter of the century...Jewish numbers grew from about 1,000 in the early decades."

expanded by the other magnates who came to own the town over the next two centuries, in spite of continuous opposition and enmity on the part of the Christian population.¹⁴⁹

For the Christians *did* resent the Jewish presence in Opatow for a number of reasons, and strained relations between the two groups was a permanent feature of these years. The two main sources of opposition to the Jews were the merchants and the clergy. During the first three decades of the eighteenth century, at the time of Ezekiel Landau's youth, the Jews of Opatow came to utterly dominate the town's commerce. Christian merchants repeatedly complained with growing bitterness to the town-owner about how they were being displaced by the Jews in every sector of the local economy. The butchers, for example, complained that Jewish butchers were driving them out of business, selling even pork, "which they themselves do not eat." In commerce, the Jews in Poland during the eighteenth century became the only commercial element in many urban centers, including Opatow.¹⁵⁰ The Christians "merchants" of Opatow who stayed in business were actually petty stall keepers who sold combs, salt, tallow, or vegetables. The rest of the economy was in Jewish hands. Small wonder that there was a great deal of resentment on the part of the local Christian population.¹⁵¹

To all these complaints, the town owner, Prince Lubomirski, turned a deaf ear, for he was primarily interested in the economic development of his lands so that they would yield greater

¹⁴⁹For the details concerning the origins of Jewish settlement and the charter of privileges, see Hundert, 1 and 15-21.

¹⁵⁰"It has long been accepted that, in the towns of Poland-Lithuania, Jewish commerce developed virtually without impediment in the eighteenth century. In fact, Jews became the only commercial element in many urban centers, and Opatow was no exception." (Hundert, 50) See also *idem*. "The Conditions in Jewish Society in the Polish-Lithuanian Commonwealth in the Middle Decades of the Eighteenth Century," in *Hasidism Reappraised* (London, 1996), 50, where Hundert states that in the eighteenth century, "about half of Polish domestic and international commerce was in Jewish hands."

¹⁵¹*Ibid.*, 54-56.

revenue, and the Jews seemed to be developing the town commercially.¹⁵² By 1730, the Christians of Opatow had given up appealing and complaining; they had resigned themselves to Jewish domination of local commerce.¹⁵³

The non-Jewish merchants comprised one group who opposed the Jews of Opatow. The other source of opposition was the local Catholic clergy. Indeed, the late seventeenth century and early eighteenth century witnessed a series of incidents in which Jews in Opatow and nearby communities were arrested on charges of desecrating a Host (1689) and Ritual Murder (1706 and 1713). One particularly notorious Ritual Murder case in nearby Sandomierz dragged on for twelve years, from 1698 to 1710. That trial ended in the lower courts with a verdict favorable to the Jews, but the clergy was successful in arousing popular feeling against the Jews, the case was not permitted to die. A Polish priest, Stefan Zuchowski, eventually published *Exposure of the Jewish Ceremonies before God and the World*, in which he asserted that the Jews regularly use Christian blood in ritual ceremonies. The entire affair ended with a retrial, the conviction of the accused Jewish Elder of the Community of Sandomierz, and the expulsion of the Jews from the town in 1712.¹⁵⁴ In nearby Opatow, the Jews were more fortunate. When the body of a drowned Christian child was discovered in 1706, the municipal court launched an investigation which

¹⁵²There is an entire literature on relations between the Polish nobility and the Jews who lived on their lands. See, for example, Dubnow, *History of the Jews in Russia and Poland* I, 69, 92-93; Salo Baron, *A Social and Religious History of the Jews* XVI (New York and London, 1976), 123-125, 131-132, 62. The most detailed study of the protection of the Jews of Poland by the Polish magnates on account of the Jews' economic usefulness is Moshe Rosman, *The Lord's Jews: Magnate-Jewish Relations in the Polish-Lithuanian Commonwealth during the 18th Century* (Cambridge, Mass. 1990). See Rosman's comprehensive bibliography on the subject, and his own discussion of the phenomenon on pp. 77-105.

¹⁵³Hundert, 56.

¹⁵⁴For details of the Sandomierz Ritual Murder trial as part of what he referred to as "a frenzy of Blood Accusations," see Dubnow's *History of the Jews in Russia and Poland* (Philadelphia, 1916), pp. 172-180. For a broader discussion of Ritual Murder trials in pre-Partition Poland, see

resulted in the arrest of a Jewish woman. Within a short time, however, she was released and the investigation concluded. The local clergy charged that the Jews had bribed the officials, but they were unsuccessful in reopening the case.¹⁵⁵

We may gain some insight into the feelings of the local clergy from a petition submitted to the town owner by a local priest around the time of Ezekiel Landau's birth. Actually the petition was a list of complaints against the local Christian administrator, against certain Christian burghers, and against the Jews. The Jews, he charged, manipulated the municipal political process by bribing the local administrator, who oversaw local elections. The Jews corrupted the Christians with drink to the point that Christians preferred to spend Sunday mornings in the Jewish-owned tavern rather than attend church services. The Jews corrupted the courts through bribery, as in the case of the quashed Ritual Murder investigation. They erected a second synagogue without first obtaining permission of the bishop, violated canon law by hiring and keeping Christian servants, and failed to show proper respect and obsequiousness towards Christians. The Jews, he complained, neither left the road nor removed their hats nor even moved out of the way when the priest walked in the street carrying the Host. Such conduct was insufferable. The complaints against the town administrator and the burghers likewise involved their too-favorable attitude towards the Jews.¹⁵⁶

The Jews of Opatow also had to deal with the problems caused by the general anarchy of the times. The chaotic conditions in Poland were vividly described by a contemporary chronicler: "Powerful incursion parties from one side and the other constantly roamed Poland. Nobody, no matter to what estate he belonged, whether he be a priest, a member of the gentry, a town

Janusz Tazbir, "Anti-Jewish Trials in Old Poland," in *Scripta Hierosolymitana* XXXVIII (Jerusalem, 1998), 233-245.

¹⁵⁵Hundert, 40.

dweller, a poor peasant, or a Jew, could in any manner escape their attacks. Whoever they met on the road was deprived of his horse, clothes, footwear, and cap."¹⁵⁷ In 1703, the Saxon troops of King Augustus extorted a large sum of money from the Jewish community, "and they also imprisoned in their camp the elders of the kahal," keeping them in harsh confinement for several days until a large ransom was paid. No wonder that whenever army units were spotted in the vicinity, the kahal sought to "persuade" them "not to come through our community."¹⁵⁸

Finally, the kahal had to deal with the annual meetings of the *sejmiki*, the regional Polish Diet. Such gatherings of the local nobility and their retainers were notorious for rowdiness, and the Jewish Community regularly budgeted for generous gifts to the local authorities as well as to the visiting delegates and their retinues to persuade them not to engage in the brawling and riots which all too regularly spilled over into the Jewish Quarter.¹⁵⁹

There *was* a separate Jewish Quarter in Opatow. An inventory of 1721 lists one hundred Jewish houses, with most houses containing more than one family. In 1687 the Jewish community had complained, "It is very well-known that this holy community has but one street, and cannot expand its borders." In 1713 there were three houses of prayer: a wooden synagogue, a brick one (about which the priest had complained in the petition we already mentioned previously), and a *kloiz*, a kind of *beit midrash* or house of study, which primarily functioned as

¹⁵⁶Ibid., 41.

¹⁵⁷J. Otwinowski, cited in Jozef Gierowski, "From Radoszkowice to Opatow: The History of the Decomposition of the Stanislaw Leszczynski Camp." in *Poland at the XIth International Congress of Historical Sciences in Stockholm* (Warsaw, 1960), 218.

¹⁵⁸Hundert, 42.

¹⁵⁹For a description of the meetings of the *sejmiki* and its effect upon the Opatow Jews, see Hundert, pp.98-104.

a place of Talmud study, but which also served as a site where regular religious services were held on a daily basis.¹⁶⁰

These, then, were the external features of the Jewish community of Opatow at the time of the birth of Ezekiel Landau: a substantial community, separate from its non-Jewish neighbors yet living in the same small town, side by side, even cheek-by-cheek. Jews and non-Jews interacted on a daily basis, yet lived separate corporate existences. In the words of Gershon Hundert, "For most Jews, the Christian side of town was largely undifferentiated, and vice versa...The gap separating Jews and Christians was larger than the physical distance between the two neighborhoods. Indeed, no official of the Christian municipality was permitted to appear in the Jewish district without the knowledge of both the Christian mayor and the Jewish elders."¹⁶¹

As elsewhere in Poland, the thousand Jews of Opatow were organized into a *kehila*, a legally recognized autonomous Jewish community. In fact, Opatow was one of the more important *kehilot* in the *Arba Aratzot*, the Four Lands, as the Polish Commonwealth was called in Jewish literary sources. Indeed, in the context of the state-within-a-state that was the network of Jewish autonomy in Poland,¹⁶² Opatow was a veritable provincial capital. When they set up a nation-wide organization back in the sixteenth century, the Jews divided the territories of the Polish Commonwealth into four *aratzot*, or "Lands," namely, Great Poland (Poznan and the surrounding area), Little Poland (Cracow and its surrounding area), Red Russia (Podolia and

¹⁶⁰For the inventory of houses and the complaint of the Jewish community, see Hundert, 4-6. See p. 41 for the number of synagogues. The institution of the *kloiz* will be discussed in chapter 2.

¹⁶¹Hundert, 45.

¹⁶²"The Jewish community constituted not only a national and cultural, but also a civil, entity. It formed a Jewish city within a Christian city." Dubnow, 103. See also Simha Assaf's reference to a Polish-Jewish "state-within-a-state" in his "Hayim Penimiyim shel Yehudei Polin {Inner Life of Polish Jewry}," in *B'Ohalei Yaakov* (Jerusalem, 1943), 75.

Galicia), and Volhynia.¹⁶³ By the eighteenth century these *aratzot* had been divided into twelve *gelilot*, or districts, each of which elected delegates to a national Jewish Council, the *Vaad Arba Aratzot*. These *gelilot* were thus the main subdivisions of the Jewish political map. One of the twelve districts was the *galil* of Cracow-Sandomierz, which in turn was divided into seven counties or sub-districts. Opatow was the capital city of one of the sub-districts, which included fourteen other Jewish communities. This meant that the district-wide legislature met in Opatow to pass laws and apportion taxes, and that the *beit din* (Jewish court) of Opatow served as the appellate court for the other communities of the district. It should also be noted that the delegates to the national *Vaad Arba Aratzot* were chosen almost exclusively from these regional and district capitals. Thus, the community of Opatow was not a quaint backwater village. It was a community whose leading members played an active and often a prominent role in the national affairs of Polish Jewry.¹⁶⁴

Opatow's Jewish Elites

¹⁶³Dubnow, I, 110.

¹⁶⁴For the origins and the functioning of the *Vaad Arba Aratzot*, see I. Halpern's classic edition of the *Pinkas Vaad Arba Aratzot* (Jerusalem, 1945) and his collection of studies of Polish Jewish history, *Yehudim ve-Yahadut be-Mizrah Eiropa* (Jerusalem, 1969). See also the relevant articles by Meir Balaban published in Volume One of *Beit Yisrael bePolin* (Jerusalem, 1948); Dubnow, pp. 103-113; and Assaf, "Hayim Penimiyim," pp. 76-77, as well as his *Batei Din ve-Sidreihem* (Jerusalem, 1924), pp. 57-62. See also the sketchy description in Bernard Weinryb, *The Jew of Poland* (Philadelphia, 1972) pp. 71-9. For the place of Opatow within the framework of the Jewish autonomy, see Hundert, pp. 108-115).

Who *were* these leading men? We know that in the second half of the eighteenth century only forty or so men, the leading taxpayers in Opatow, were eligible to vote in *kehila* elections; presumably the situation was not very different in 1713.¹⁶⁵ Nor was this at all unusual. A study by historian Israel Halpern of the franchise in eighteenth century Polish Jewish communities revealed that *less than one percent* of the adult population were eligible to vote.¹⁶⁶ Thus, thirty, forty, or perhaps fifty families, about one quarter of the Jewish population, dominated the community. Nor was this phenomenon unusual among Polish Jewry. If anything, it was the norm, for a kind of Polish-Jewish aristocracy had long existed in Poland, and by the time of Ezekiel Landau's birth, "a relatively small number of powerful families had come to hold an astonishing number of rabbinical and communal offices."¹⁶⁷

These families were typically distinguished by their material wealth and governmental connections on the one hand, and/or their scholarship on the other. Scholarship in eighteenth-century Jewish Poland meant Jewish scholarship, which in turn meant knowledge of the literature of Rabbinic Judaism, primarily the literature of the Talmud and the halakha, Jewish law, and, in some cases and to some degree, the literature of the Kabbalah, Jewish mysticism. The latter was regarded as having been authored by the same rabbis who had composed the Talmud; therefore, the Kabbalah was viewed as part of rabbinic literature, not as an alternative to

¹⁶⁵Hundert, 85.

¹⁶⁶Israel Halpern, *Yehudim ve-Yahadut be-Mizrah Eiropan*, 55-60.

¹⁶⁷Hundert, 117. Ben-Zion Dinur cites most of the early historiographical literature on this phenomenon in his famous article on the origins of Hasidism. The article, originally published in Hebrew, has been translated into English under the title: "The Origins of Hasidism and Its Social and Messianic Foundations." It has been published in *Essential Papers on Hasidism*, edited by G.D. Hundert (New York, 1991). See also Aaron J. Arbelli, "Polish Jewry in the 18th Century As Reflected in the Rabbinical Literature of the Period," unpublished dissertation, Dropsie College, 1961, 115, 230.

that literature.¹⁶⁸ Knowledge and especially mastery of this literature had always been a supreme value, in fact, *the* supreme value, in traditional Jewish culture, and nowhere was this truer than in early-modern Poland.¹⁶⁹ Whereas Jewish culture in other settings, such as the medieval Arab world or Italy, had ascribed cultural, and sometimes even religious, value to other intellectual pursuits, such as the cultivation of Arabic poetry or Greek philosophy, Jewish civilization in Poland during the sixteenth, seventeenth, and eighteenth centuries was distinguished by its lack of interest in non-Rabbinic literature. Even the popular Yiddish literature of the period was pietistic; it sought to spread the teachings of rabbinic literature to a mass audience so that even those who lacked the training to study rabbinic literature could access some of it in popularized form. The pietism it inculcated was basically identical with the moralistic and ethical stories and teachings of the rabbinic literature.¹⁷⁰ Indeed, in this culture, the very act of study of rabbinic

¹⁶⁸The Kabbalists themselves did not dispute the exclusive focus on Rabbinic literature. Rather, they claimed that the Kabbalah was an integral part of that literature, although they claimed pride of place and even halakhic priority; in a dispute between a ruling of the Talmud and a ruling of the Zohar, the latter was to be regarded as more authoritative. Such claims led to an ongoing tension between the Kabbalists and those who maintained the traditional emphasis on, and ascribed halakhic as well as curricular priority to, the non-mystical portions of "the Torah." This tension described in detail by Jacob Katz in *Halakha veKabbalah* (Jerusalem, 1986), pp. 9-127. As we shall see, Ezekiel Landau was an outstanding example of the latter group, who believed in the truth of the Kabbalah and who were even adepts in its literature and advocates of the dissemination of certain Kabbalistic practices (on this, see Sharon Flatto, "Prague's Rabbinic Culture: The Concealed and the Revealed in Ezekiel Landau's Writings,") but who rejected the claims of the Ka authority.

¹⁶⁹"Even if only a minority could actually engage in it, study of the Talmud was a primary value for the entire society." (Katz, *Tradition and Crisis*, 163)

¹⁷⁰The most comprehensive study of cultural and literary trends in Early-Modern Poland is Yaakov Elbaum, *Petihut ve-Histagrut: Ha-Yetzirah ha-Ruhanit - ha-Sifrutit be-Polin uve-Artzot Ashkenaz be-Shilhi ha-Meah ha-Shesh-Esreh* [Openness and Insularity: Late Sixteenth Century Jewish Literature in Poland and Ashkenaz] (Jerusalem, 1990). Elbaum deals with the Polish Jewry of a century before the birth of Ezekiel Landau, but cultural trends, especially the non-interest in non-Jewish culture, remained the same into the eighteenth century. For a history of the popular literature in Yiddish in early-modern Ashkenazic Jewry, see Israel Zinberg, *A History of*

literature was considered a supreme value, literally the most meritorious of religious acts, in keeping with the well-known statement of the Mishna (which was recited in the daily prayer service), ותלמוד תורה כהגד כולם, *studying Torah is equal in value and merit to the performance of all the other religious commandments combined*.¹⁷¹

Of course, not every wealthy family was learned, and certainly not every scholarly family was wealthy. But wealth and rabbinic scholarship were the two sources of prestige throughout Polish Jewish society in the early-modern period, and both were avidly sought by the Polish Jew of that era.¹⁷² Thus, if an unlearned man became rich, he would typically seek to marry his children into scholarly families. For their part the families of poor scholars typically dreamed of marrying-off their son to a wealthy bride.¹⁷³ In the words of the most famous Polish Jewish autobiographer of the eighteenth century, "A rich merchant, *arendar*, or artisan who had a daughter would do everything possible to get a son-in-law well-versed in the Talmud. As far as other matters are concerned, the scholar may be as deformed, diseased, and ignorant as possible, he will still have the advantage over the others."¹⁷⁴ The typical Jewish community, then,

Jewish Literature Volume 8, "Old Yiddish Literature from its Origins to the Haskalah Period" (New York, 1975).

¹⁷¹ This passage is from the first Mishna of tractate *Peah*. The Talmud and the rest of the rabbinical literature is full of similar statements. A convenient collection of the most famous of these references may be found in Yehudah Levi, *Torah Study: A survey of Classical Sources on Timely Issues* (Jerusalem, 1990).

¹⁷² Murray Rosman has suggested that there was a third "category of deference, mystical adepts who were perceived to communicate directly with the Divine spheres," that is, kabbalists of the type of the Baal Shem Tov, who were neither wealthy nor renowned rabbinic scholars, but who nevertheless were accorded special respect and support by the community. See Rosman's *Founder of Hasidism: A Quest for the Historical Baal Shem Tov* (Berkeley, 1996), 175.

¹⁷³ Jacob Katz, "Nisuim ve-Hayei Ishut be-Motzaei Yemei ha-Beinayim" *Zion* 10 (1946), 28.

¹⁷⁴ Solomon Maimon, *Autobiography*, (London, 1888), 44.

contained two elites, the wealthy and the learned, and these elites sometimes combined or merged, and sometimes did not.

That is not to say that there was no tension or conflict between these two elite groups. On the contrary, such conflicts were a permanent feature of the medieval early-modern Jewish world. As distinct, independent sources of power and prestige, it is not surprising that the two should compete for control of the Jewish community. Both wealth and scholarship were perceived as necessary for the survival and flourishing of each local Jewish community as well as of *Klal Yisrael*, the community of the Jewish People as a whole. Without money the Jewish community could not survive in the temporal sense. Without Torah scholarship, it was believed, the community would not find favor in the eyes of God, and would be punished for it. As the well-known ancient rabbinic comment on *Genesis* 27:22 stated, "As long as the voice of Jacob resounds in the Torah-study hall, the hand of Esau is stayed [and cannot hurt the Jewish people]." ¹⁷⁵ Thus, a healthy Jewish community, it was felt, required both elements, and because the two were fixed parts of the communal landscape, relations between the wealthy and the learned ran the gamut, from alliance to opposition, from cooperation to competition. ¹⁷⁶ Ultimately, formal primacy of place was accorded to the rabbi as scholar of the Torah. In the words of Salo Baron, "No matter how many powers the communal plutocracy concentrated in its own hands, no matter how well it succeeded in making local rabbis and other officials subservient to its ends, the theoretical precedence of the scholar remained uncontested." ¹⁷⁷

¹⁷⁵*Bereishit Rabbah* 65:20. An entire list of similar statements is found in Abraham ben Zalman, *Ma'alot ha-Torah* (Jerusalem, 1989), 58-62. The author was the brother of the Gaon of Vilna.

¹⁷⁶See the second footnote to the introduction to this dissertation, where the scholarly references to relations between the lay and rabbinical leaderships are given.

¹⁷⁷Salo Baron, *The Jewish Community* II, 181.

Obviously, the ideal situation obtained when both desirable qualities were combined in the same person or family. In the course of Jewish history there were numerous examples of wealthy scholars, who combined material and intellectual achievement. The Talmud itself portrays two of its heroes, Rabbi Judah the Prince, the author/editor of the Mishna, and Rav Ashi, the author/editor of the Babylonian Talmud, as men who combined in their persons "Torah and *Gedulah*," literally, *greatness*, that is, temporal greatness, including wealth, governmental connections, and power. According to the Talmud, Rabbi Judah the Prince enjoyed an especially cordial relationship with the Roman Emperor Antoninus, while Rav Ashi is described as having a similar relationship with the Persian king.¹⁷⁸ Thus, wealth and connections were not perceived as intrinsically antithetical to scholarship or even saintliness; Judah the Prince, for example, was considered a paragon of saintliness and piety. The historicity of the Talmudic account was not questioned. Persons such as Judah the Prince were not obscure figures from remote antiquity; they were famous rabbis whose words were studied every day of the week. The image of a saint-scholar-magnate was, then, a very real ideal. It is not surprising, then, that the combination of wealth, scholarship and piety was generally perceived as the highest possible attainment for the individual and the family, which entitled the family to prestige, deference, and power: religious,

¹⁷⁸The classic statement in the Babylonian Talmud concerning the wealth, piety, and scholarship of Rabbi Judah the Prince and Rav Ashi is found in *Gittin* 59a. The Talmudic accounts of the intimate relations between Rabbi Judah and the Roman Emperor "Antoninus" are numerous and have given rise in modern times to an entire scholarly literature seeking to separate fact from legend, see the articles on Antoninus in the various Jewish encyclopedias and the appended bibliographies, and especially Samuel Krauss's study, *Antoninus und Rabbi* (Vienna, 1910). As for Rav Ashi's connections with the Persian king Yezdegird II, there is only one direct reference (*Ketubot* 61a) to Rav Ashi's presence at the court of the Persian king Yezdegird II. However, the joint reference to both Rabbi Judah and Rav Ashi as possessing *Gedulah* was taken by subsequent generations of Talmud students to imply close relations with the king, see, for example, Aaron Hyman's *Toldot Tanna'im veAmoraim* (London, 1910) p. 250.

social, and political.¹⁷⁹ Over the course of the sixteenth, seventeenth, and eighteenth centuries, a number of families came to acquire both wealth and Jewish scholarship, and as they passed these to their descendants, they came to assume - within the Jewish world - the status of an aristocracy. Examples of such families were the Ginzburgs, the Heilperins, the Horowitzs, the Rapoport, and the Katzenellenbogens. Dinur has noted that in the mid-eighteenth century the Heilperin family alone supplied fifteen rabbis, ten leaders of the *Vaad Arba Aratzot*, and several judges and heads of *yeshivas*, while the Ginzburgs supplied eleven chief rabbis, three judges, and numerous other communal functionaries. Certain families exercised a local dominance, such as the Gordon family in Vilna and the Yekels family in Cracow. Some of the leading scholars of the period were members of these families, whose wealth and position certainly helped them acquire a superior rabbinic education.¹⁸⁰

One of these families was the Landaus, and beginning with the children of Tzvi Hirsch Landau, the family began actively and even aggressively to seek election to the post of communal rabbi in various communities in Poland. In the seventeenth century, the Landau family had not sought such religious office. Ezekiel and his son Tzvi Hirsch had held prominent lay communal office. But Tzvi Hirsch's son Yitzhak Landau's rabbinical career marks a certain turning point in the history of the Landaus. From the beginning of the eighteenth century, the century of Tzvi Hirsch's children and grandchildren, almost every Landau sought and obtained the position of communal rabbi in a Polish city, town, or village. A glance at the Landau family tree indicates that thirteen out of seventeen grandsons of Tzvi Hirsch Landau were rabbis of communities. What is the significance of this trend towards pursuing and obtaining communal

¹⁷⁹On "Torah and Gedulah" as an ideal in Early-Modern Jewry, see Jacob Katz, "Nisuim ve-Hayei Ishut," 32.

¹⁸⁰Dinur, "The Origins of Hasidism," 111-112, 187; Hundert, 117.

rabbinical posts, even the rabbinates of villages? Why would a rich merchant with power and prestige want to be the rabbi of a small town?

The Communal Rabbinate

The answer to this question is that the position of rabbi of an entire community, even a small one, was highly desirable for a number of reasons. First of all, it was formally the highest professional post within rabbinic culture. For a talented and ambitious scholar, the communal rabbinate, which required its occupant to issue halakhic rulings on important and often delicate, sensitive, and complicated cases and questions, offered the greatest professional challenges, the greatest test of one's mettle as a rabbinical scholar, and therefore potentially the greatest professional satisfaction. Because the issues with which he dealt were considered so significant, success in the communal rabbinate was the making of one's reputation in rabbinical culture, the official culture of early-modern Jewry. Almost all of the men considered great rabbis of the eighteenth century were communal rabbis whose qualities came to the attention of the public in the course of the successful exercise of their communal-rabbinical office.¹⁸¹

Nor was this simply a matter of careerism or professional ambition, of attaining fame and public recognition, important as these undoubtedly were. There was a great spiritual significance to the successful fulfillment of the formal role of supreme religious leader of an entire community. Isadore Twersky notes that in traditional Jewish culture, the study of the

Talmud and the halakha in and of itself was "not only the ideal supplement to, and sustaining force of, religious practice but also the means to spirituality."¹⁸² The formal task of the communal rabbi was to generally supervise religious practice in the community and to rule on questions of religious law too difficult or too fraught with responsibility for other rabbinical scholars in that community. The questions referred to the communal rabbi therefore demanded a deeper scholarship, or at least a closer grappling with the legal sources in an attempt to discover the proper analogy to the question at hand from those sources. At its most challenging, the office called for superior scholarship as well as superior character, in the sense of willingness to assume responsibility for actions and decisions that would be criticized. For the scholar who relished intellectual or even political challenges, such effort was quite exciting, and it is no wonder that superior scholars would seek such office, which only added to the prestige of the office. Thus, the communal rabbinate was the highest office a scholar could attain (the larger the community, the higher the office), and the one which offered the widest field for the full exercise of his talents.

In addition to professional, intellectual, and spiritual satisfaction, the office of communal rabbi carried great social prestige and entitled the officeholder to special deference in a traditional society which calibrated the deference and privilege it awarded according to one's perceived level within the two hierarchies of wealth and scholarship. Such deference and privilege assumed religious-ritual as well as economic form. The traditional Jewish community was characterized by a social stratification that was remarkably reflected in the all-pervasive

¹⁸¹The few exceptions, such as the Gaon of Vilna, Rabbi Moses Hagiz, and Rabbi Jacob Emden (who unsuccessfully sought the communal rabbinate), prove the rule.

¹⁸²Isadore Twersky, "Talmudists, Philosophers, Kabbalists: The Quest for Spirituality in the Sixteenth Century," B. Cooperman (ed.), *Jewish Thought in the Sixteenth Century* (Cambridge, 1983), 432.

religious ritual. As one historian has remarked, "The ceremonies of religious life in general, and the synagogue in particular, provided many an occasion for the playing out of the fine distinctions in social standing."¹⁸³ Jacob Katz has described how:

In addition to fulfilling its central task in the life of the community, the synagogue also provided a method of marking off the social strata within the community and of fixing the distinctions between various levels. Seating arrangements provided an opportunity for expressing these distinctions. Proximity to the Ark, the reader's desk, the rabbi's seat, or the platform from which the Torah was read all reflected one's relative importance... The synagogue offered the well-to-do various methods of displaying their wealth. Rich families could donate Torah scrolls, curtains for the Ark, and ritual objects. In a manner typical of the period, such gifts did not become an undifferentiated part of the public property: The donor's name was inscribed on his gift, and he and the members of his family were honored every time their gift was used. More than once, a quarrel would break out over the question of whose gift should be used on a particular occasion. Another guide to a person's social rank lay in which *aliya* (being called to "ascend" to read a portion of the Torah) he was given. Here, too, there were gradations... The synagogue ritual afforded the principal opportunity for public demonstration of status¹⁸⁴

In such a society, status was determined by possession of certain qualities and attributes respected by the religious tradition, most notably, wealth, connections, and learning. There were also gradations within each group. For example, there were the merely well-to-do, then the wealthy, and finally the super-rich. There were those whose contacts were at a local level: the mayor, the sheriff, magistrate, or priest. Then there were those whose contacts extended to the district government, and finally those who had contacts with the magnate or the king. These gradations were reflected within the Jewish community in the relative status of the individual and his family.

¹⁸³Hundert, p. 116.

¹⁸⁴Jacob Katz, *Tradition and Crisis*, 153. As we shall see below, Ezekiel Landau's father and uncle bitterly disputed the right to lead a processional in the synagogue service on the festival of Sukkot.

Among the learned, too, there were numerous gradations, corresponding to various levels of textual competence within the hierarchy of rabbinic literature. There were the moderately educated laymen, somewhat knowledgeable in the most basic of texts, such as the Pentateuch with the classic commentary of Rashi. Next came the more educated scholars, who studied the Mishna. These were considered the lower levels of competence.¹⁸⁵ Above them were the Talmud scholars, for the Talmud was deemed the most important text to master. The Talmudists were in turn graded according to perceived competence. Above them were the ordained rabbis, who were supposed to be able to apply the Talmud and its ancillary literature, especially the law codes which were based on the Talmud, to specific questions of law. These rabbis, too, were "graded," as it were, by public opinion. In the words of Jacob Katz,

There was a sort of unofficial hierarchy of scholars qualified to rule on Jewish law even though its ranks were not clearly defined or marked. "Spontaneous" public opinion in the kehila, in the supra-kehila, or even within the Jewish world at large determined the place of each jurist in this hierarchy of halakhic authority.¹⁸⁶

Such an informed public opinion existed because Polish communities often contained quite a few ordained rabbis who had no official position in the community, but whose opinions were valued, and who occasionally were consulted in legal and even communal matters. Of course, the presence in a community of laymen whose scholarship was not inferior to that of the official communal rabbi could be a source of tension for the latter; after all, the communal rabbi was supposed to be "the" scholar of the community, whose authority derived from his charisma as senior scholar. The historian Simha Assaf, himself a yeshiva graduate and a communal rabbi for a short period, described the delicate position of the communal rabbi faced with equally

¹⁸⁵Katz, *Tradition and Crisis*, 166.

learned lay members: "Woe to the rabbi whose congregants are sufficiently knowledgeable to detect when he errs in his halakhic rulings" (אוי לו להרב אם נמצא בקהלתו למדן גדול ממנו המקפחו) (בהלכות), and much of the tension caused by Jacob Emden in the communities in which he lived stemmed precisely from the fact that he was a layman who was a world-class scholar who was more than ready to criticize both the halakhic rulings of the official communal rabbi as incorrect, and the conduct of the lay leadership as contrary to Jewish law and therefore illegitimate.¹⁸⁷ In a well-known passage in his chronicle of the Cossack massacres of 1648-50, Nathan Hannover describes how in a typical Polish community of fifty Jewish burghers, twenty were ordained non-practicing rabbis.¹⁸⁸ Even if this is an exaggeration, it indicates the pervasive presence of knowledgeable laymen. Ezekiel Landau was to suffer from the critical scrutiny of numerous highly-educated Prague laymen during his early years as Chief Rabbi of that community.¹⁸⁹ Such highly educated persons might be private scholars or just plain businessmen. Traditional Judaism placed a high value on the study and knowledge of the texts for their own sake, *not* as a course of professional preparation for a salaried rabbinate. In fact, tradition paid at least formal lip service

¹⁸⁶Katz, *Tradition and Crisis*, 143.

¹⁸⁷ Simha Assaf, "le-Korot haRabbanut" in *Be-Ohalei Yaakov* (Jerusalem, 1943), 30. Emden's autobiography is full of his bitter criticism of the rabbi of his community, the prominent rabbi Ezekiel Katzenellenbogen, whom he accused of incompetence, corruption and a host of other sins. The lay leadership of his community also comes in for caustic criticism, and the entire Emden-Eibeschutz controversy featured Emden's refusal to obey the community's lay leadership to cease his criticism of Eibeschutz. See Emden's autobiography and Schacter's dissertation, 191-207. For sixteenth century examples of these phenomena see Haim Hillel Ben-Sasson's description of the tension which often plagued the communal rabbi who had to contend with congregants who were nominally subordinate to his office, yet who considered themselves (many times not without cause) his equal or even his superior in halakhic knowledge. See Haim Hillel Ben Sasson, *Hagut ve-Hanhagah*, (Jerusalem, 1969), 45-50.

¹⁸⁸Nathan Hannover, *Yeven Metzulah* (Cracow, 1896) p. 60.

¹⁸⁹J Klein, "Zuschrift an Herrn Moses Mendelssohn in Hamburg," *Literaturblatt des Orients* (1848): 526, 541; Gutmann Klemperer, "The Rabbis of Prague," *Historia Judaica* XIII (1951), 56-57; Y. Kamelhar, *Mofet ha-Dor*, 22-24.

to the Mishnaic statement that knowledge of the Torah was not to be used as "a spade with which to dig or a crown with which to adorn oneself."¹⁹⁰

The phenomenon of numerous ordained non-practicing rabbis in Poland guaranteed that there would be an actual public which participated in the study and the discussion of rabbinic literature, and that knowledge of that literature would not be confined to a very tiny elite of professional rabbis and judges. However, this did not mean that that learned public possessed the same competence as the professionals. The professionals were regarded by the learned as an elite because of their expertise in actually applying the law on a day-to-day basis, whereas the competence of the learned was usually confined to Talmudic and halakhic theory.¹⁹¹ Katz has

¹⁹⁰*Avot* 4:5. There is an entire tradition, an honorable tradition, of great scholars who declined to serve as communal rabbis and preferred the life of a private scholar. As long ago as the third century the Babylonian scholar Rav noted this phenomenon disapprovingly, interpreting *Proverbs* 7:26 ("For she has felled many victims; the number of her slain is huge") as follows: "For she has felled many victims - this refers to persons unqualified to serve as rabbis, but who nevertheless do. The number of her slain is huge - this refers to those who are qualified to serve as rabbis, but do not." (*Sotah* 22a). In modern times a number of paramount scholars ostentatiously declined rabbinic office, including the Gaon of Vilna (1720-97), Israel Meir HaKohen, known as "the *Hafetz Hayim*" (1837-1933); and Abraham Karelitz, known as "the *Hazon Ish*" (1878-1953). Moreover, many biographies of great rabbis stress that the person did not want to become a communal rabbi, and only consented to assume the post when compelled to by financial reverses, see, for one example of many, the biography of Rabbi Yehiel Epstein, author of the classic legal compendium, *Arukh Hashulhan* (Baruch Epstein, *Recollections*, Southfield, Michigan, 1989, p. 101). Epstein, regarded as a "rabbi's rabbi," originally intended to live as a private scholar while his wife ran a shop. There are numerous other examples, including Abraham Danzig, author of the legal code *Hayei Adam*, see Samuel Fuenn, *Kiryat Ne'emanah* (Vilna, 1859), 236.

¹⁹¹A classic illustration of this situation is the story of the legal query sent by Rabbi Hayim Soloveitchik of Brisk (1853-1918) to Rabbi Isaac Elhanan Spector of Kovno (1817-1896). Soloveitchik was renowned in his time as the world's foremost Talmudic theorist, unmatched in the field of abstract analysis and theory. Spector, on the other hand, was the foremost halakhist of his time, universally acknowledged as the supreme legal decisor. When Spector received the written query from Soloveitchik, he made haste to compose an elaborate legal responsum, containing not only his ruling, but laying out in great detail his reasoning. Soloveitchik told him to send him the decision and leave out the reasoning, for it was to Spector the *posek*, the recognized legal authority, that he had addressed his question; in that capacity Spector's ruling was authoritative. As far as the abstract reasoning behind the ruling, Soloveitchik assured him

pointed out that "though halakhic learning was widespread in this period, authoritative knowledge remained the property of a small minority," and it was this minority that stood above the others in terms of deference and status.¹⁹² This is not surprising, for as Katz has noted, "Unlike those of a Catholic priest, a rabbi's rulings were not issued *ex officio* on the basis of institutional authority. It was the rabbi's knowledge of halakha and his ability to deduce a new ruling from existing precedent that lent authority to his decisions."¹⁹³ In such a context, the *halakhist* stood above the mere *Talmudist*.

It is therefore not surprising that it was the official communal rabbi, who was by definition the community's official halakhist, who occupied what was *formally* regarded as the highest position in the Jewish community. Although at all times there existed an unofficial group of "super rabbis," acknowledged world-class halakhic experts whose opinions were accorded greater status than those of the communal rabbi, on a local day-to-day level it was the communal rabbi whose word was law. At least from a formal point of view. In practice the rabbi's ruling might be challenged by other halakhic scholars, local or non-local. But generally, such was not the case.

The rabbi's special status was reflected in a number of visible ritual perquisites. When the communal rabbi, no matter how young, entered a room, everyone, no matter how old, stood up as a gesture of deference. On Saturdays and holidays, the rabbi prayed in the oldest, most prestigious synagogue in town. On a regular weekday the rabbi had the privilege, often the exclusive right, to conduct private services in his own home. In the synagogue the rabbi's seat

that he did not *want* to know Spector's arguments, for if he did, he (Soloveitchik) would then be forced to critique them, and he feared that the arguments would not survive his critique! Meir Berlin, *Fun Volozhin Biz Yerushalayim* (New York, 1933), 230. See also Norman Solomon, *The Analytic Movement: Hayim Soloveitchik and his Circle* (Atlanta, 1993), 233.

¹⁹²Katz, *Tradition*, p. 143.

was the seat of honor, to the right of the Ark containing the Torah scrolls. Often, the Rabbi's wife was entitled to a seat of similar honor in the women's area. Worshippers typically waited for the rabbi to arrive before they would commence religious services, and at certain well-defined points in the service, after silently reciting their own prayers, the entire congregation would wait for the rabbi to audibly conclude his prayers before proceeding with the service, a visible and dramatic display of deference. By contract and custom the rabbi was entitled to the most prestigious *aliya*. Synagogue etiquette dictated that congregants would not depart the synagogue on Sabbaths and holy days without taking formal leave of the rabbi.

Outside the synagogue the communal rabbi was entitled to perform all marriages, a ceremony which according to the letter of the law does not require a rabbi at all. Performing marriages was a traditional source of income for the rabbi, and by contract and custom no one else was allowed to encroach upon this prerogative without the rabbi's consent. The rabbi was almost always honored with the ritually prestigious role of *sandek* at circumcisions, and in general, the appearance of the communal rabbi at any family or public function was considered a mark of honor, as if the rabbi was doing a favor to the assembled by honoring the occasion with his presence.

Equally important were the exemptions granted the communal rabbi, such as his exemption from the sumptuary laws. The Jewish Council of Lithuania specifically excluded the rabbi from restrictions on the wearing of silks and fine furs; likewise from the ban on wearing fine Sabbath clothes on weekdays. Rabbis alone were permitted an unlimited number of guests at weddings and family celebrations.¹⁹⁴

¹⁹³Ibid.

¹⁹⁴For all these rabbinic privileges see Assaf, 48-50, and Salo Baron, *The Jewish Community* II, 89-90.

It is clear, then, that socially the communal rabbinate was a post of privilege and prestige. It is certainly not surprising that in the seventeenth and eighteenth centuries, when, as Jacob Katz puts it, "there was a constant struggle to attain those roles that were considered of elevated status and importance," individuals and families who could lay some claim to the necessary rabbinic learning tried to secure such positions for themselves or for their relatives.¹⁹⁵

Finally, the communal rabbinate carried important economic privileges, specifically exemption from taxes. This privilege was venerable; it stemmed from the Talmud. In a famous essay Maimonides condemned the practice of paying a salary to communal rabbis on the grounds that it violated Talmudic precedent. On the same grounds he vigorously defended their exemption from communal taxes by virtue of their status as Torah scholars, regardless of their wealth.¹⁹⁶ On the other hand, such exemptions were at times resented and denied. One scholar who was denied the tax privileges to which he felt he was entitled, Samuel Avila of Morocco (b. 1688), published a work in Amsterdam in 1725, *Keter Torah*, devoted to the subject.

The exemption of the rabbi from taxes was certainly a feature of the eighteenth century Polish rabbinate, although the exemption applied only to the rabbi's salary and other professional emoluments. If the rabbi was a merchant and engaged in commerce, the business profits were

¹⁹⁵Katz, 170.

¹⁹⁶The Talmudic source for the exemption from taxation is the statement of Rabbi Nahman bar Yitzchak in *Bava Batra* 8a. Maimonides' remarks are found in his commentary to Mishna-tractate *Avot* 4:7. Recently, Yisrael Ta-Shema has called this entire matter into question, maintaining that rabbis were in actual fact *not* exempted in medieval times, certainly not in Ashkenazic communities, see his *Halakha, Minhag, u-Metziut be-Ashkenaz: 1100-1350* (Jerusalem, 1996), 228-240. Ta-Shema has been challenged, see Ephraim Kanarfogel, *Jewish Education and Society in the High Middle Ages* (Detroit 1992), 1-96. Simha Assaf regards the tax exemption of the communal rabbi as a matter of course, citing the *pinkas* of Lithuania, paragraph 607, which exempted from communal taxes both communal rabbis and *rashei yeshivot*, heads of Talmudic academies. Although it is possible that conditions were different in Lithuania and northwestern Poland, it seems likely that Assaf's presumption that the exemption

taxable.¹⁹⁷ However, if the rabbi and his immediate family maintained a store or some other local business, it was exempt from taxation.¹⁹⁸ In a Poland where the financial demands upon a Jewish community's resources were so large and insistent that most communities lived in a state of permanent budgetary crisis, taxes were heavy and relentless.¹⁹⁹ The apportionment of the tax burden had always been a source of intense communal tension throughout Jewish history. The wealthy, naturally, always endeavored through various stratagems to shift as much of the burden away from themselves as possible. In such an environment, the office of communal rabbi must have seemed very tempting to a wealthy person. Although the office might cost money to secure in the first place, the long-term benefits of years of exemption from communal taxation would undoubtedly more than compensate.

In addition to these privileges and to the prestige of the office, the communal rabbinate could be a source of real power. The communal rabbi was the head of the communal court or courts. In eighteenth century Poland these courts adjudicated all sorts of cases, especially civil cases. The Polish authorities, particularly the great magnates, interested themselves in the functioning of the Jewish courts because they realized that an efficient and basically honest system of justice was necessary if revenue-producing commerce and economic activity were to flourish. In the words of one historian of the period,

The rabbi's judicial function was considered [by the magnates] to be of paramount importance...Polish authorities remained in need of rabbinic courts. Commerce in a town could be severely impaired if the local rabbinic court ceased to operate.. Magnates and

obtained elsewhere in Poland is accurate. See also the remarks of Salo Baron in the second volume of *The Jewish Community*, 276-279.

¹⁹⁷Halpern, *Pinkas*, 325.

¹⁹⁸Arbelli, "Polish Jewry in the Eighteenth Century," 122-123.

¹⁹⁹For the financial crisis of the Jewish communities in the eighteenth century, see Dubnow, 290, and Mayer Balaban, "Samson Wertheimer," *Studia Historyczne* (Warsaw, 1927), 127-133.

governors set down detailed guidelines as to how they expected rabbis in their territories to act. The main demand from the rabbi was "that justice in the ecclesiastical courts not be absent, and that order be preserved in the best way possible according to ancient Jewish laws and customs."²⁰⁰

Although as we shall see, there were serious problems with the eighteenth century Polish rabbinate and its courts, it was also true that "in some localities the reputation of Jewish courts was such that even non-Jews agreed to utilize them."²⁰¹ Thus, the communal rabbi and the court he headed had real power and the backing of the Polish authorities.

All these factors, then, combined to render the rabbinate of a community, even a small one, an attractive post for certain types of persons. The problem was that it attracted the unworthy along with the worthy. The communal rabbinate called for a certain halakhic expertise as well as exemplary personal conduct. Precisely because the communal rabbinate was a plum, it attracted all sorts of candidates, including the academically unqualified and those whose personal lives were decidedly not exemplary. The complaint that the rabbinate was too often falling into the hands of the incompetent and the unscrupulous is a well-known theme in Jewish internal social criticism, going back to at least the twelfth century, but it seems to have become particularly acute in eighteenth century Poland, due to the unprecedented interference of Polish magnates and landowners in rabbinical elections, which was part of a general eighteenth-century trend. In the words of an historian of the period, "In the eighteenth century magnates went beyond the exercise of traditional supervisory prerogatives and involved themselves in matters that lay at the very heart of Jewish autonomy."²⁰²

²⁰⁰M. Rosman, *The Lord's Jews*, 202.

²⁰¹Ibid. See also Simha Assaf, *Batei ha-Din ve-Sidreihem Ahar Hatimat ha-Talmud* [Jewish Courts and Their Procedures after the Talmudic Period] (Jerusalem, 1924), 16.

²⁰²Rosman, 192.

There is an entire history of charges that unqualified candidates were securing the rabbinate of a community through the intervention of the gentile ruling authority, royal, noble, or ecclesiastical.²⁰³ The complaints concerning this phenomenon appear and reappear so often over the centuries that it is evident that this problem was endemic, and could only be managed or controlled, never solved. Jewish authorities waged with uneven success an unending struggle to prevent anyone, even scholars, from acquiring communal rabbinates through intervention from the gentile authorities. Already in the twelfth century, the leading Ashkenazic rabbi, Jacob Tam, led 150 French rabbis in issuing a *takanah* or ruling forbidding anyone from attaining authority within the Jewish community through a gentile "king, prince, or judge."²⁰⁴

In the words of Simha Assaf, "If the situation was bad in France and Germany, it was much worse in Poland."²⁰⁵ Casmir the Great had decreed that no Jew could serve as a rabbi or as a Jewish judge without the consent of the local Jewish community. This privilege was frequently renewed by the other Polish kings. However, these prerogatives were limited to those Jews who resided in the royal cities and villages. They did not extend to the Jews who lived on the territories of the nobles. In 1539, Sigismund I explicitly proclaimed that "the nobles who have Jews in their towns and villages may enjoy all the advantages to be derived from them. The nobles must also try Jewish cases. For we [the King], not deriving any advantages from such Jews, are not obliged to secure justice for them." Ten years later the new king Sigismund Augustus declared that the Jews living in the territories of the nobles were to be subject to the jurisdiction of those nobles, not to that of the royal representatives. These laws, it should be

²⁰³Assaf has collected most of the classical sources on this subject *le-Korot HaRabbanut*, 34-40. See also Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1925), 60.

²⁰⁴שלא יהא אדם רשאי ליטול שררה על חבירו לא על ידי מלך ולא על ידי שר ושופט. The ruling is printed at the end of the responsa of Rabbi Meir of Rothenberg, *She'elot u-Teshuvot Maharam mi-Rotenberg* (Prague, 1608).

recalled, were promulgated during the sixteenth century, when the Polish kings were at the height of their power vis-à-vis the nobility. Already at that time, the "Lords' Jews," as those Jews who resided in the territories of the nobility were called, had been conceded to the latter by the Crown.²⁰⁶ Recent research has demonstrated that the Polish nobility, especially the owners of the great latifundia, took the greatest interest in all that went on in their lands. They did not disdain to micro-manage their often huge estates, including the affairs of their Jews. The *kahals*, the autonomous local Jewish communities, were the subject of much interest and interference by the landowner and his bureaucracy. It is therefore not surprising that the election of a communal rabbi was viewed by the landowner as a matter in which he was entitled to some say, certainly the right to confirm or deny the candidate elected by the *kahal*. Such a privilege was freely conceded by the *kahal*, who realized that they lived on the landowner's estate on sufferance. However, the right to confirm or deny was not identical with the right to dictate the choice, to tell the community whom to elect. The Jewish communities had never anywhere been prepared to concede formally the right to select their spiritual leader to non-Jews, no matter how exalted their station. Such a prerogative went to the very heart of Jewish spiritual identity, and it was not negotiable. Although the Jewish community had formally adopted a principled stand on this matter, non-Jewish authorities were often able to use their considerable influence to secure the election of a particular candidate. Jewish documents in the medieval and early modern period are replete with

²⁰⁵ Ibid., 37.

²⁰⁶ Ibid., 35; Dubnow, 84. For a general discussion of this phenomenon in sixteenth century Poland, see Asher Ziv, *She'elot u-Teshuvot ReMA* (Jerusalem, 1970), 60-63.

²⁰⁷ For a detailed study of the general phenomenon of interest of the landowner in his Jews and their internal affairs in the eighteenth century, see Murray Rosman, *The Lord's Jews* (Harvard, 1990), especially chapter VII. For a detailed study of a specific case of a landowner's extensive

complaints about such phenomena, in Poland most of all. The *Vaad Arba Aratzot* adopted strong resolutions condemning in the strongest terms the acquisition of a rabbinical post through outside influence, and attacked the practice of bribing the non-Jewish authority to compel the selection of a particular candidate. Given the nature of power-relations, however, it was impossible to eradicate the practice. The fact that the resolution was adopted in 1587 and readopted in 1590 and again in 1597 indicates that the resolution was not followed throughout Poland, and when the leading rabbi in eastern Poland in the mid-seventeenth century, Yom Tov Lipmann Heller, sought to put teeth into the resolution which he had the *Vaad Arba Aratzot* re-adopt in 1643, he was slandered before the *voivoda*, the governor of Volhynia, and expelled from his rabbinate in Ludmir. By that time, according to Heller, the ban on using outside help to obtain a rabbinate was "considered by the masses to be a joke."²⁰⁸

In spite of this attempt by the *Vaad Arba Aratzot* at the initiative of Heller, an attempt which included the required public reading of the ban on the occasion of every rabbinical election in Poland, the problem continued. Heller's son-in-law, the famous preacher Berechya Beirech ben Yitzhak Isaac Shapira of Cracow (1600-64), attributed the sufferings of the Jews at the hands of Chmelnicki and the Cossacks in 1648-9 to two sins: violations of the sumptuary laws and violations of the ban on acquiring rabbinical posts through influence and bribery.²⁰⁹

interference in *kehilah* and *va'ad* affairs, see Adam Teller, "The Magnates' Attitude to Jewish Regional Autonomy," in: *Scripta Hierosolymitana* XXXVIII (Jerusalem, 1998), 246-276.

²⁰⁸The resolutions of the *Vaad* may be found in Halpern's *Pinkas Va'ad Arba Aratzot*, document 178 (pp. 62-66). Heller's account and comment may be found towards the end of his autobiography, *Megilat Eivah*, first published in 1817 in Breslau. Assaf ("Le-Korot," 37) suggests that the fact that the resolution was not renewed between 1597 and 1643 indicates that the problem disappeared for four decades. In my opinion, it merely indicates that no one wanted to risk the kind of retaliation meted out to Heller. For more on the phenomenon of outside interference in the election of rabbis, see Ben Zion Dinur, *Be-Mifneh ha-Dorot* (Jerusalem, 1955), 107-109.

²⁰⁹*Pinkas*, *ibid.*; *Zera Beirech Tinyana* (Amsterdam, 1662), introduction.

In the aftermath of the Cossack uprising and the foreign invasions of Poland in the 1650s and 1660s, the power of the Crown went into a steady decline from which it never recovered, and the power of the nobles on their estates went completely unchecked. In such a context the position of communal rabbi in the territories of the nobility was bought and sold like any other commodity. In the words of Murray Rosman, "rabbinic posts were transformed into a type of *arenda*," that is, a type of lease, a leased position. Rosman goes on to explain the nature of the *arenda*:

The rabbi purchased from the owner a "lease" on the right to collect the rabbinic salary, commissions, and gifts from the community. Like an arrendator, his calculation was that these revenues would cover the price of the rent - in this case the license fee - and provide an income besides. Rabbinic posts were like *arendy* in another way, too; they went to the highest bidder...By the eighteenth century,...the rabbi was not a salaried employee of the *kehilah*, who owed them his livelihood and hence his loyalty. He was a lessee whose lease was the magnate's to give and to enforce. In this light the many complaints in the homiletical literature against rabbis who bought their positions from the Polish authorities should be viewed not so much as an indication of moral failing on the part of the rabbis, but as a reflection of the loss of this central institution from the control of the Jewish authorities into the hands of the magnates.²¹⁰

This should not be taken as indicating that all the Jewish rabbinates and courts were staffed by incompetents and time servers. Many authors, including Rosman himself, note that "in some localities the reputation of Jewish courts was such that even non-Jews agreed to utilize

²¹⁰Rosman, 200-201.

them."²¹¹ And the numerous rabbinic works of sixteenth, seventeenth, and eighteenth century scholars indicate that there were numerous rabbis of high character and outstanding competence. Nevertheless, it is clear that the rabbinate as an institution attracted the unworthy and was subject to unwholesome pressure by the authorities and the wealthy.

Thus, certainly by the eighteenth century, no one could become a communal rabbi in Poland without paying the local landowner. Even when an outstanding scholar of sterling reputation was honestly elected by a community, the lord had to be paid, and if the scholar could not afford it, the community paid. When the *kahal* of Cracow formally invited the famous Jonathan Eibenschutz to occupy the rabbinate of their venerable community in 1755, the communal leaders assured him that they had already undertaken "to appease the *voivoda* with silver and to pour gold from their pockets [into his]," and that Eibenschutz could therefore rest assured that his election would be confirmed by the Polish authorities without his having to pay them off out of his own meager funds. The payment was regarded as a matter of course.²¹² The fact that this information was actually published in a contemporary book indicates that neither Jews nor gentiles felt any reason to conceal the practice of paying off the landowner to permit the election of a communal rabbi. Nor did Eibenschutz's opponent Rabbi Jacob Emden refrain from publishing in 1756 a letter from a Polish rabbi promising him that if he, Emden, were able to raise four hundred gold coins, the Polish rabbi could secure for Emden the rabbinates of either Slonim or Grodno, both of which had recently been vacated. The Polish rabbi was not happy about the state of affairs. On the contrary, he characterized it as "the plague of the country" (מכת

²¹¹Ibid., 202

²¹² J. Eibenschutz, *Luhot Edut* (Altona, 1755), 35a.

(המדינה). But without the money the post could not be secured.²¹³ When Rabbi Abraham Abush of Lissa in Poland was elected Rabbi of Frankurt in 1759, the *kahal* of Lissa begged the *kahal* of Frankfurt to withdraw the offer. If our rabbi leaves us, they wailed, every unscrupulous and unworthy candidate in Little Poland will try to secure the post by offering bribes to the local landowner. Our community is too short of funds at the moment to raise the sum required to better their offers and to secure the election of a truly qualified candidate. Thus, the departure of Rabbi Abraham Abush will result in the ruin of the local rabbinate.²¹⁴ The practice of securing a rabbinate by money was so prevalent that when the renowned Rabbi Saul of Lomza published his responsa, *Giv'at Shaul*, in Zolkiev in 1774, he felt compelled to call attention in his preface to the remarkable fact that his community had elected him without his having to spend any money in the process, and that they had not even paid any money to the landowner. "It is now seventeen years that I have been the rabbi here," he writes. "During all this time the community has stood behind me and has seen to it that I have not had to pay a single penny to any non-Jews. This is an altogether unique occurrence here in Poland."²¹⁵

It is evident from the above that the communal rabbinate was a desired, even coveted, office. Anyone with sufficient money and ambition could compete for the office. As with any competition for office, a candidate's chances improve if he has a following, a party. In the context of the Polish communities, family connections played a large role in the formation of such parties. A family or clan usually worked to secure a post for one of its own. Victory in an election redounded to the benefit of the family, in prestige if nothing else. It is therefore not

²¹³Jacob Emden, *Edut be-Yaakov* (Altona, 1756), 68. This work is incorrectly cited in Assaf, "Le-Korot." The pagination in this edition is defective, with pages 50-68 appearing twice, one after the other. The citation is on the first appearance of the page.

²¹⁴Assaf, "le-Korot," 36.

surprising that once the Landau family reached a certain economic status, family members should begin to compete for rabbinical posts. If so many Landaus succeeded in the course of the eighteenth century in securing such posts, it is a testimony to the family's efforts as much as to their individual qualifications.

This, then, was the world of the rabbinate which Yitzhak Landau, the aristocratic second son of the famous Tzvi Hirsch Landau, entered in 1719. As we have said, he enjoyed a successful career and ended his days covered with wealth and honor. There were, however, some rough spots in his smooth ascent. One of them was the difficult relationship with his younger brother Yehudah, third son of Tzvi Hirsch Landau. Evidently the younger brother chose an identical career path, for Yehudah, too, engaged in the luxury fabric trade while occupying the rabbinate of a tiny and unimportant satellite of Opatow.²¹⁶

At the time the position of Rabbi of Opatow became vacant, both brothers applied, and the competition between them for the votes of the forty or so electors must have been fierce, for the loser was not reconciled to his defeat, as we shall see. The competition between the two brothers, who upon their return to their native town *lived in the same house*, must have led to a split in the ranks of the family which in turn must have been damaging to the family's power and prestige. When Yitzhak won the election, Yehudah did not leave town. He took up residence there and was elected an elder of the town as well as of the *galil*, the district. Already before this time, while he was yet rabbi of Rzeszow, the townlet that was a satellite of Opatow, Yehudah had begun to attend the meetings of the *Vaad Arba Aratzot*. The first mention of his name in the

²¹⁵Cited in Assaf, *ibid*. For more on Rabbi Saul, see Joseph Leib, *Shem Hagedolim HeHadash* (Warsaw, 1882) part II p. 120.

²¹⁶Hundert, p. 120.

documents of the *Vaad* dates back to 1719.²¹⁷ Yehudah had married a woman of his own social class: Haya, the daughter of the rabbi of the prominent community of Dubno (1715-19). Haya was described by her grandson as "a powerful personage of high estate (קצינה ונגידה)," and she most likely supported her husband's ambitions.²¹⁸ Yehudah was no mean rabbinic scholar, and although his famous son's encomiums concerning Yehudah's great scholarship may be taken with a grain of salt, it is nevertheless clear from various passages in the *Noda b'Yehudah and Tzlah* that Yehudah was a serious scholar and even an accomplished *pilpulist*.²¹⁹

There is another piece of evidence concerning Yehudah Landau's impressive scholarship and prominence a document connected to the Luzzatto controversy. One of the Jewish religious controversies of the first part of the eighteenth century revolved around the person and kabbalistic-messianic claims of Moses Hayim Luzzatto of Padua (1707-1747). Luzzatto's opponents charged him with Sabbatianism. His supporters considered him an extremely gifted, strictly orthodox (in the sense of being an opponent of Sabbatianism), and saintly kabbalist.²²⁰ In Simon Ginsburg's collection of the documents relating to the Luzzatto controversy of the 1720s and 1730s, there is a letter by one of the principals in the controversy, Shlomo Zalman Lvov, a Polish rabbi serving on the *beit din*, rabbinical court, of Venice, in which he reports receiving a

²¹⁷Yehudah Landau is mentioned in five documents of the *Vaad Arba Aratzot*, see Halpern, *Pinkas*, nos. 577, 578, 588, 595, and 621 (pp. 287, 289, 292, 299, and 313).

²¹⁸From Yakobka Landau's filial-pietistic biographical essay printed at the beginning of his father Ezekiel Landau's responsa collection, *Noda BiYhudah*. The essay is entitled, *Divrei Yedidut*, "Words of Affection."

²¹⁹See, for example, *Tzlah* to *Pesahim* 70b, where Yehudah Landau critiqued eighteen-year-old Ezekiel's proposed intricate solution to a difficulty raised by the *Tosafot*, the difficult medieval commentary to the Babylonian Talmud.

²²⁰The documentation of the Luzzatto controversy is collected in Simon Ginsburg, *Rabbi Moshe Hayim Luzzatto u-Venei Doro: Osef Iggerot u-Te'udot* (Tel-Aviv, 1937). Additional, anti-Luzzatto, material was collected by Rabbi Jacob Emden in his *Torat ha-Kana'ut* (Amsterdam, 1752), 45a-57b. See also, I. Tishby, *Netivei Emunah u-Minut* (Jerusalem, 1964), 169-203. For a

letter from a Rabbi Hayim Alsheich of Breslau. Alsheich forwarded a request from "the scholars of Poland, and particularly the rabbi of Zolkiev, formerly rabbi of Opatow (namely, Yitzhak Landau). He is undoubtedly known to you (that is, to Shlomo Zalman Lvov), for he is the brother of the Great Pathbreaker, Rabbi Yehudah, who lives in Opatow, who is called Rabbi Yehudah Vitches." The request was to inquire of Moses Hayim Luzzatto concerning a difficult passage in the Zohar, the interpretation of Genesis 18:21, where God says concerning Sodom and Gomorrah: "*I will descend and see: If they are indeed acting as the outcries indicate, then destruction!*"²²¹ Gershon Hundert suggests that this letter (which he mistakenly describes as a letter from Yekutiel Gordon, Luzzatto's disciple and propagandist, to Luzzatto) indicates that the two Landau brothers "were part of the network of mystic-scholars in Eastern Europe, which also had ties to Luzzatto in Padua."²²² The documents do not necessarily support this contention. First of all, the request in the letter was from Yitzhak, not Yehudah, Landau. Yehudah is merely mentioned as a famous relative of the person making the inquiry. Secondly, this request does not in and of itself indicate a deep preoccupation with Kabbalah on the part of Yitzhak Landau. The truth is somewhat more prosaic. Yitzhak Landau was the rabbi of Zolkiev, the site of the leading Hebrew press in Poland. In the letter to Shlomo Zalman Lvov, Alsheich writes that an effort was underway to publish the Zohar in a modern improved format, that is, in a more aesthetically-pleasing and better-edited version.²²³ As far as we know, Landau himself was not the initiator of

recent scholarly treatment of the Luzzatto controversy, see Elisheva Carlebach, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Heresies* (New York, 1990), 161-255.

²²¹ Simon Ginsburg, *Ramhal u-Venei Doro*, 264.

²²² G. Hundert, *The Jews in a Polish Private Town*, 123-124.

²²³ ועיקר מגמתם באשר שנדפס מחדש הזהר בק"ק זאלקווי בכל יופי שבעולם, לכן בקשו כנ"ל ורוצים להדפיס את פירושו

this effort; it was a commercial enterprise undertaken by the local publishers.²²⁴ As part of the improved editing, the publishers were naturally interested in those passages which had been imperfectly edited in previous editions. One of these well-known problematic passages was the comment on Genesis 18:21. More than a century earlier such leading Kabbalists as Abraham Galante, Abraham Azulai, and Moses Zacuto had called attention to this faulty text in the published versions of the Zohar. These mystical scholars and others had suggested various textual emendations based on their own Kabbalistic reasoning, and indeed, the problem continued into the nineteenth century, when the leading Polish Kabbalist, Rabbi Tzvi Hirsch of Zydachov referred to the "confused state" (בלבול) of this particular text.²²⁵ The Zolkiev publishers of the Zohar, who in the event did not finish the editing and publication process for another fifteen years (the Zolkiev Zohar finally appeared in 1750), were doubtless aware of this textually problematic passage, and consulted the local rabbi, Yitzhak Landau. Landau, realizing that although he may have been a student of Kabbalah he was certainly no major Kabbalist, sought expert advice. At that time, Moses Hayim Luzzatto's leading disciple, Yekutiel Gordon of Vilna, a Polish Jew who had gone to Padua to study medicine, had recently returned to Poland, where he spread the news about Luzzatto's wondrous knowledge of kabbalistic lore. Gordon and his propaganda undoubtedly came to the attention of Yitzhak Landau. It was only natural for Landau to solicit an expert opinion from the famous if controversial Luzzatto as to the correct

²²⁴For a history of the important Hebrew press in Zolkiev, see Bernard Friedberg's *Toldot ha-Defus ha-Ivri be-Polanyah* (Antwerp, 1932), 52-59.

²²⁵For the comments of the Kabbalists on the passage in the Zohar, see Abraham Abulafia's *Or ha-Hamah* (Jerusalem, 1876), 92b. This work is a collection/digest of the Kabbalistic comments on the Zohar by Moses Cordovero, Hayim Vital, and Abraham Galante. See also Moses Zacuto's comments on this Zohar passage, printed as part of Shalom Buzaglo's Zohar commentary *Mikdash Melech* (Amsterdam 1750), which was the first systematic commentary on the Zohar ever published, as well as the remarks of Tzvi Hirsch of Zhidachov in his Zohar commentary, *Ateret Zvi* (Lvov 1834).

text of this passage in the Zohar. This certainly does not justify the assertion that the two Landau brothers were part of a network of Kabbalistic devotees in secret contact with the highly controversial Luzzatto.

On the other hand, Isaiah Tishby argued that it was the intention in Zolkiev to publish a Zohar with a full-blown, comprehensive commentary by Luzzatto, and that the passage in Genesis was merely a sample.²²⁶ If this is correct, then Yitzhak Landau may have played a greater role in Kabbalistic matters after all. However, Tishby's thesis is certainly open to challenge, considering the absence of any other reference to such a publishing project or indeed to any comprehensive Zohar-commentary by Luzzatto. Ultimately, it rests upon the interpretation of the passage in Shlomo Zalman Lvov's letter where he refers to the desire to publish Luzzatto's "commentary" (פירושו), that is, whether the reference is to the commentary and explanation of the problematic passage, or to a comprehensive commentary to the entire Zohar. Tishby's reading was indeed challenged by Meir Benayahu.²²⁷

In any event, what is most striking from this letter is that Yitzhak Landau, the older and seemingly more prominent brother, the brother who had by then ascended to the prestigious rabbinate of Zolkiev, the site of the most prominent Hebrew press in Poland at the time, is referred to as the brother of the seemingly more famous Yehudah Landau, who was not even the rabbi of his town. This letter indicates a surprising eminence for the younger brother. The description of Yehudah Landau as "the Great Pathbreaker" (התייר הגדול), an honorific title of Talmudic origin bestowed upon leaders of the *Vaad Arba Aratzot*, certainly seems to indicate

²²⁶Isaiah Tishby, "Ikvot Rabbi Moshe Hayim Luzzatto be-Mishnat-Ha-Hasidut," *Zion* 43 (1978), 203-205.

²²⁷Meir Benayahu, *Kitvei ha-Kabbalah shel ha-Ramhal* (Jerusalem, 1979), 18-219. See Tishby's forceful response in his article, "Ikvot," 204-205.

that Yehudah Landau was an active and well-known leader of Polish Jewry, and enjoyed a greater eminence than his older brother Yitzhak.²²⁸

Such, then, was the family into which Ezekiel Landau was born on 18 Cheshvan 5474 (November 7, 1713) in Opatow.²²⁹ It was at that time one of the most distinguished Jewish families of early eighteenth century Poland, headed by the renowned Hirsch Vitches, active in the affairs of Polish Jewry as a whole, supreme in his bailiwick, intermarried with some of the most prominent Jewish leaders of the time, and a force to be reckoned with at all times. It was a family that seemed to combine "Torah and *Gedulah*," and was deferred to as such. Ezekiel Landau, then, was born into a rabbinic-aristocratic background, and all his life he would be conscious of his high station within Jewry. Within the rabbinic world, he would definitely be an insider.

²²⁸For the provenance of this honorific title, see Halpern's *Pinkas*, 555.

²²⁹Rabbi Elazar Fleckeles, *Olat Hodesh Shlishi* (Prague, 1793), 86a. See the introduction to the *Noda BiYhudah* written by Ezekiel Landau's son Yakobka.

Youth and Education of an Illui

In 1783, at the age of seventy and in declining health, Ezekiel Landau, who had been chief rabbi of Prague for 28 years, decided to commence the publication of his Talmudic notes and lectures, tractate by tractate, which he had been delivering and working on for more than four decades. At the time he decided to publish, he was lecturing on tractate *Pesahim*, which deals with the many and intricate Passover laws, so the first manuscript given to the publisher was his collection of notes to *Pesahim*, which was published in 1783.²³⁰

Turning at random to one of his notes, to *Pesahim* 9a, by no means one of his more intricate pieces, a note which is two paragraphs long, we see that Landau focuses on an analysis by the Gemara of a mishnaic statement whose implied ruling seems to be contradicted by another mishnaic statement in a different tractate in a different context. The Gemara offers two alternative resolutions of the contradiction. Landau focuses on the second resolution, which to him is problematic in that, reduced to their abstract legal principles, the two mishnas seem to say the same thing, which contradicts the unstated but fundamental axiom that every mishna is unique and not redundant, that if it were possible to deduce the ruling of a mishna from other mishnas or Talmudic sources, the mishna would never have been stated in the first place. To

²³⁰*Tzlah to Pesahim* (Jerusalem, 1995), 349, where Landau also states that he had hoped to publish other tractates at the same time but was prevented from doing so by debilitating headaches so severe that he was temporarily compelled to stop teaching and was ordered by his doctors "not to look at anything that required intellectual concentration." (ובהיותי עוסק בדפוס)

resolve this problem, Landau proceeds to draw a fine distinction between what the mishna in *Pesahim* implies and what the other sources state or imply. In other words, the mishna in question is indeed redundant in terms of what it explicitly states but it is not redundant in what it *implies*, and it was included for its implication. A full discussion of this particular example of Landau's analysis of the problem with the logic of this text and his solution of the problem is too technical to be given here. The reader interested in the pilpulistic details will find them in an addendum to this chapter.

In the course of his analysis, Landau calls the reader's attention to a problem not immediately evident to one who reads the Talmudic passage plainly. In other words, the student of the Talmud would have to reflect upon the implications of what he is reading to see the problem. In solving the problem, Landau points to the particular wording of part of the mishna as providing the solution. He demonstrates how the mishna's wording is crafted so carefully that it contains - for the discerning reader - a point of law that could not be deduced from other similar, indeed, seemingly identical, texts. The problem is resolved, and the reader has been shown once again with what care and subtlety the mishna and similar rabbinic literary works have been composed, and how carefully and closely one needs to read these works to discern fine points and distinctions planted there by the authors of these works.

In short, Landau is engaged in a kind of archaeology of the text, one which offers rich prizes to the reader equipped with the methodological skills to mine the works of the ancient rabbis. It was, of course, a methodology quite different from modern scholarly methodologies which operate under radically different assumptions and axioms. But it was the reigning methodology in the world of Talmud study in the eighteenth century, it had been dominant for

בשלהי פרקים אחרונים של מסכת פסחים יסרני ה' וראשי כבד עלי...והרופאים גזרו עלי שלא להביט בשום דבר הצריך

centuries, and its assumptions are still accepted as axiomatic in the yeshivot, the orthodox Talmud schools, today.

This particular kind of analysis of a Talmudic text is called a *hiddush*, a novel insight, in the sense that Landau's problem and solution are new, that is, they were not noticed (in print, at least) until Landau called them to the public's attention. Rabbi Ezekiel Landau was considered a master of this methodology, a variety of a methodological approach to text-analysis called *pilpul*. Indeed, according to the leading modern academic expert on the subject, Rabbi Landau's works, including his notes to *Pesahim* and other Talmudic tractates, are the latest and the finest examples of this genre.²³¹ However, he was by no means a pioneer in this methodology. Rather, he was an acclaimed practitioner.

(עיון ומחשבה)

אם בספרות ההלכה היה ר' יחזקאל לנדא, בזכות ספר הפסקים שלו, אחד מגדולי היוצרים, הרי בספרות הפלפול²³¹ היה ללא ספק אחרון בזמן וראשון במעלה. Haim Zalman Dimitrovsky, "Al Derekh ha-Pilpul," *Salo Baron Jubilee Volume* [Hebrew section] (Jerusalem, 1975), 181.

It is important to note that in preparing Landau's lectures for publication, Landau himself and his sons after him heavily edited his notes. They broke long, complex pieces into smaller, more digestible components. In addition, certain parts of the lectures which were extremely speculative but brilliant and even dazzling to the students, parts which were not meant to be taken as serious and sober analysis but as intriguing ideas whose main purpose was to spur the students to think sharply (להדורי), were eliminated from the published text. As Landau himself observed, "Not everything uttered in a classroom for the purpose of spurring the students to think deserves to be published." (לא כל הדברים הנאמרים לחדד התלמידים בעת הלימוד לשעה ראויים שיוחקו בספר) *Noda BiYhudah II Hoshen Mishpat* 6.

Thus, the published editions of Landau's Talmud lectures, collectively entitled *Tziyun le-Nefesh Haya*, or *Tzlah* for short, do not contain the actual lectures with their heavy pilpulistic style of presentation and analysis. Landau himself and his sons after him edited the *Tzlah* to tractates *Pesahim*, *Berakhot*, and *Beitzah* in Prague in the 1780-90s. A great-grandson of Landau published the *Tzlah* to parts of eight other tractates in Warsaw in 1879, but these were not full systematic commentaries on each tractate. Rather, they were a relatively small number of fragments of commentary on each tractate which were evidently collected and printed from notes Ezekiel Landau had not prepared for publication. This great-grandson, Zev Wolf Landau, likewise edited out the heavily-pilpulistic style of presentation, as he admits in his introduction.

An exception to this process of editing out the original style of presentation is the *Tzlah le-Seder Nezikin ve-Likutim*, Ezekiel Landau's comments to the tractates in the division of *Nezikin*, published in Jerusalem in 1959. This work contains the unedited manuscript of Landau's

The question this chapter seeks to answer is: how did he attain this proficiency? What exactly was pilpul and how was Ezekiel Landau trained in it? What do we know about his youth and education, especially his early education? What kind of education did a young Polish Jew of Landau's elite background receive in the early eighteenth century?

Earliest Youth

The twelve months following Ezekiel Landau's birth were tumultuous times for the Landaus of Opatow. Ezekiel was born in October of 1713. Very soon after, the noted scholar Hakham Tzvi arrived with his family and retinue to celebrate the wedding of his daughter to Ezekiel's first cousin, Naftali. But the wedding was followed by a conflagration that devastated the town of Opatow. The wedding guests had to take refuge in nearby villages. Hakham Tzvi's wife, who was pregnant at the time with her tenth child, was forced to deliver her baby in a peasant cottage and under harsh winter conditions. Over the course of the next few months, scandal erupted when, as we have seen, Tzvi Hirsch, patriarch of the Landau clan, was held responsible for the authorities' hanging of two local Jews. In a rage, the honored Hakham Tzvi

lectures on these tractates. Although they are far from complete, they are the most transparent in terms of Ezekiel Landau's original style of presentation, and they are full of the various techniques of pilpul, which are discussed more fully later in this chapter. An introductory essay to this last work, *Tzlah le-Seder Nezikin*, by S. D. Munk, lists and describes these techniques, their relation to the *Tzlah* in general and to this volume in particular, and makes important observations concerning Landau the pilpulist. These observations are discussed later in this chapter.

left Opatow to assume the rabbinate of Lvov, and Tzvi Hirsch himself died shortly afterward. Tumultuous times indeed!²³²

Ezekiel Landau remembered his youth as a time of strict discipline and devoted study. At 63, when he was already Chief Rabbi of Prague, Landau gratefully remembered his father as having raised him [or: caused him to become great] in Torah knowledge. "He imposed heavy burdens [i.e., a rigorous curriculum] on me, and did not allow me to go [to play in] the garden."²³³ Such demanding rigor was absolutely typical among the rabbinical elite, especially when it came to training an *illui*, a gifted student. And Chief Rabbi Landau heartily approved of his father's demands; he titled his own responsa collection *Noda BiYhudah* [Known in Judah - *Psalms* 76:2] in his father's honor.

Ezekiel Landau's education was carried out in three stages, two in his early years and the third in his late teens and afterward. From his earliest years, probably from the age of three, he received the primary education of a Jewish child in Early-Modern Poland. The curriculum was exclusively Jewish and rabbinic. The goal was to have the child master the Hebrew Bible or at least significant parts of it, the Mishna or at least significant parts of it, and pieces of the Babylonian Talmud. The methodology consisted of rote recital and hopefully rote memorization by the child of the three texts, two Hebrew and one Aramaic, together with a Yiddish translation/interpretation.²³⁴ Hopefully, the child, depending upon his intellectual abilities, would progress at some point from rote memorization to actual comprehension. The education was conducted in a *heder*, a class with a teacher, or with a private tutor. The latter was, of course, a

²³²Emden, *Megilat Sefer*, 40-44; Yekutiel Kamelhar, *Dor Deah* III 18; Hundert, 122-3.

²³³הוא גדלני בתורה והרבה עלי המשרה ואותי לא נתן לצאת לגינה ולביתן. This passage is from the introduction to the *Noda BiYhudah*.

prerogative of the wealthy. We do not know in which setting Ezekiel Landau received his early education, but we do know that from the ages of eleven to thirteen he had a private tutor, whom he praises in the introduction to the *Noda bi-Yhudah*. Since he makes no mention of earlier tutors, it seems that he was educated in his younger years in some *heder*.

The philosophy, content, and form of basic Jewish education had evolved over many centuries in Ashkenazic Jewry, and by the eighteenth century it had assumed definite and fixed forms. The theoretic goal of the educational "system" was to have every Jewish male eventually master the entire "Torah," a term which was understood to include the Bible, the Talmud (broadly defined as the writings of the Tanna'im and the Amora'im, the rabbis of 100 B.C.E.-500 C.E.), and the various commentaries and law codes based on these works that had been composed in the Middle Ages and the Early-Modern era.²³⁵ These works comprise a vast amount of material. Study of all these works, let alone mastery, was obviously beyond the abilities of all but a few dedicated and gifted individuals willing and able to commit years to the enterprise. Everyone else could at best absorb relatively small portions of this literature. Although everyone realized this, the ideal, the goal, of the system remained the production of persons who eventually would know the entire Torah. Success was measured in terms of how close one came to this goal. The more material one mastered, the more successful he was accounted.²³⁶ The first question the system faced was just how to go about imparting all this information, especially to very young students. If rote memorization was the time-honored

²³⁴On pre-modern Ashkenazic education in general, see Isadore Fishman, *The History of Jewish Education in Central Europe From the End of the Sixteenth to the End of the Eighteenth Century* (London, 1944), particularly the sixth chapter, "Curriculum and Methods of Teaching."

²³⁵ See the remarks of Isadore Twersky on the centrality of Talmud study, note 241 below.

²³⁶Jacob Katz has described the pre-modern system's "ultimate educational goal" as being "the creation of a *talmid hakham* [scholar] who had extensive knowledge of the Talmud and the halakhic codes." (*Tradition and Crisis*, 163).

method, what was the curriculum? If the goal was to know everything, "the entire Torah," where did one start, how much of it was the young student expected to master, and what was the long-term plan?

Ashkenazic Jews were certainly familiar with the mishnaic curricular dictum that a child was to be taught Bible from the ages of five to ten, Mishna from ten to fifteen, and Talmud after that.²³⁷ This was a graded course of study, for the Bible was viewed as the least complex of the three texts to learn (certainly by rote), the Mishna more complex, and the Talmud vastly more complex. In addition, the Mishna was understood to contain, primarily though not exclusively, the legal regulations based on the true and received exegesis of the Biblical, especially Pentateuchal, text. The Talmud was understood to bear a relationship to the Mishna identical to the Mishnah's relationship to the Bible. Thus, the proposed curriculum, with Talmud as the highest goal and Bible and Mishna as propaedeutics, was logical and coherent.

Although one would expect that the medieval rabbinic culture which venerated the Mishna and the Talmud would follow its proposed curriculum, such was not the case, at least not universally. While some sections of Jewry seem to have adhered more or less to the proposed course of study, Ashkenazic Jewry clearly deviated from it early on. Rabbi Jacob Tam, the leading French rabbi of the twelfth century and the preeminent intellectual influence on Ashkenazic Jewish life and thought, noted that in his time (and certainly before that) young children were taught the Talmud before they were taught the Bible and the Mishna. That is, children would be taught a number of passages from the Bible, not necessarily starting at the beginning, then a number of chapters of Mishna, in a sort of pro forma gesture of adherence to the sequence of the classical curriculum. As soon as these curricular formalities had been

²³⁷*Avot* 5:21.

observed, the young student began the difficult study of the Babylonian Talmud. Justifying this deviation from the curriculum proposed by the authors of the Mishna, whose supreme wisdom and authority was axiomatic for him and his fellow Talmudists, Rabbi Jacob Tam argued that inasmuch as the Babylonian Talmud contains numerous citations of, and references to, Scripture and its exegesis, and since the Talmud is organized around the Mishna, the person who masters the Babylonian Talmud will automatically master the contents of the Bible and the Mishna. It is therefore not necessary to devote any school-time to the separate study of these two works.²³⁸

Rabbi Jacob Tam's remarks are in the nature of a post facto ideological justification of long-standing practice rather than a previously thought out, planned, curricular approach.²³⁹ In any

²³⁸Tosafot to *Kiddushin* 30a s.v. *la zericha*; *Sanhedrin*, 24a s.v. *belulah*; and *Avodah Zarah*, 19a s.v. *yeshallesh*. See also R. Hayim Yosef David Azulai (*Shem ha-Gedolim* [Warsaw, 1876], 116), who attributes the following statement to R. Tam: "I will engage in interpretation of the Talmud, as my revered grandfather Rashi did. But biblical interpretation I will not undertake, for I have not the capacity to do it." The ordinance attributed to R. Tam by S. Assaf, *Mekorot le-Toldot ha-Hinnukh be-Yisrael*, 1:4, implying that only those who could not study Talmud should study Scripture, was an ordinance of the Rhineland communities issued in the 1220s. See L. Finkelstein, *Jewish Self Government in the Middle Ages*, 231. Cf. F. Talmage, "Keep Your Sons from Scripture: The Bible in Medieval Jewish Scholarship and Spirituality," in *Understanding Scripture*, ed. C. Thoma and M. Wyschogrod (New York, 1987), 84-86 [from E. Kanarfogel, *Jewish Education and Society in the High Middle Ages*, (Wayne State University press, Detroit, Michigan, 1992), 180].

²³⁹Exactly how old this curricular phenomenon was is not clear. On the one hand, already a century and a half before Jacob Tam, Hai Gaon in Baghdad had offered an ideological justification of his own for the overemphasis on the study of the Babylonian Talmud at the expense of Bible and Mishna. Hai claimed that economic conditions were such that scholars had to work for a living and practice scholarship in their free time, which required sacrificing the less essential, non-Talmudic, parts of the curriculum. See his responsum in *Teshuvot ha-Geonim*, *Shaarei Teshuvah*, ed. Z. Leiter, no. 55.

On the other hand, Avraham Grossman argues that Bible *was* an important part of the curriculum of pre-Crusade, pre-Tosafist, Ashkenaz, see his *Hakhmei Ashkenaz ha-Rishonim* (Jerusalem, 1981), 419-420, and idem, "Ha-Pulmus ha-Yehudi/Nozri voha-Parshanut ha-Yehudit la-Mikra be-Zarefat be-meah ha-12," *Zion* 51 (1986): 60. See also I. Ta-Shma, "Halakha, Minhag, u-Massoret be-Yahadut Ashkenaz ba-Meot ha-Yod Alef - Yod Bet," *Sidra* 3 (1987): 122, as well as the remarks of Hayim Soloveitchik in his "Three Themes in Sefer Hasidim," *AJS Review* 1 (1976), 345-6.

event, this educational practice continued through the Middle Ages and was the norm in eighteenth century Poland when Ezekiel Landau was growing up.²⁴⁰

To a large degree, the early and overwhelming focus on the study of the Babylonian Talmud was a function of the essential nature of traditional rabbinic Judaism, concisely summarized by Isadore Twersky:

Judaism is halakhocentric...This is practically the consensus omnium - of the protagonists of the system, its inveterate enemies, newly-formed antagonists, and allegedly detached observers. Whatever the concomitant value judgments - positive or negative, appreciative

One thing is clear: Despite exceptions, Ashkenazic neglect of Bible and Hebrew grammar continued past the Tosafist period down through the Middle Ages. In his famous fourteenth-century ethical will, Judah Asheri, son of the preeminent rabbinical authority Asher ben Yehiel, who was born and raised in Ashkenaz, and who subsequently became chief rabbi in Toledo, directs his children to devote part of their curriculum to Bible and grammar. "Because I did not study this in my youth [in Ashkenaz], since it was not usually taught there, I was not able to teach it here." (Israel Abrahams' edition of *Hebrew Ethical Wills* [Philadelphia 1926], 174). At the beginning of the fifteenth century, the Spanish exegete and grammarian Profiat Duran (died c. 1414) wrote: "In this period, I note that Jewish scholars, even the greatest among them, show great disdain for biblical studies. It is enough for them to read the weekly portion [*shenayim Mikra ve-ehad Targum*], and still it is possible that if you ask them about a particular verse, they will not know where it is. They consider one who spends time doing biblical studies a fool; 'the Talmud is our mainstay!' This disease is rampant in France and Germany in our generation, as it was in the preceding period." (*Ma'aseh Efod* (Vienna, 1865), 41. In the sixteenth century, R. Hayim ben Bezalel (brother of the Maharal of Prague) wrote the oppressive conditions of Ashkenazic Jewry had led parents to the conclusion that there was not enough time to teach their children all the propaedeutic and ancillary disciplines, and that the parents had therefore consciously sacrificed these disciplines in order to concentrate exclusively on the study of the Talmud, "in which wisdom and fear of God are combined in one work." (S. Assaf, *Mekorot* 1:44).

On the other hand, Frank Talmage dissented from this generally accepted view of Ashkenazic history. Talmage asserted that the Biblical commentaries of Rashi, Rashbam, Joseph Bekhor Shor and other twelfth century Ashkenazic scholars indicate that Bible did occupy an important place in the curriculum.

On the decline of the study of Mishna as an independent, if propaedeutic, discipline in Ashkenaz, see Ta-Shma, *Ritual, Custom, and Reality in Franco-Germany, 1100-1350* (Hebrew), Jerusalem, 1996, 126; and Kanarfogel, 90-91. See also B. Septimus, *Hispano-Jewish Culture in Transition* (Cambridge, Mass. 1982) 16, n. 106.

²⁴⁰Fishman, 86.

or derisive, often reflected in the choice of terminology, i.e. legalism, particularism, Talmudism - there is agreement that what I prefer to call halakhocentrism is the hallmark of historic Judaism. A major corollary of this halakhocentricity is the repeated demand or and frequent achievement of a nearly exclusive emphasis on Talmud study - a curriculum oriented towards religious practice and hence weighted with Talmud, Talmud, and more Talmud. Study is the handmaiden of practice and Talmudic lore is the prerequisite or and source of religious practice.²⁴¹

Obviously, not every student was capable of mastering such material. Whatever the ideological reasons, there can be no doubt that this society felt comfortable with a highly elitist educational philosophy with an almost conscious, exclusive, focus on the production of a few gifted students at the expense of the great majority. In the words of one scholar of medieval Ashkenazic Jewish education, "The basic educational curriculum in Ashkenaz was structured with the hope that it might produce a young Rabbenu Tam. It was, above all, Talmudocentric. As long as outstanding scholars were indeed being produced, the communities felt no acute need for an educational system with conventions and practices that would address the needs of ordinary men."²⁴² This situation still obtained in Ashkenazic Jewry six centuries later. Commenting on the situation in the Early-Modern Era, Jacob Katz writes:

[Although] only a small minority of students could hope to attain this ideal,...nevertheless, the *heder*, an institution apparently designed to serve the general public, was made subservient to the ambitions of a minority...Even if only a minority could actually engage

²⁴¹Isadore Twersky, "Religion and Law," in *Studies in Jewish Law and Philosophy* (New York, 1982), 204.

²⁴²Kanarfogel, 63. This philosophy became a permanent feature of Ashkenazic education, in spite of criticism (see below). In the mid twentieth century, R. E. E. Dessler, a seminal thinker in the Ashkenazic-Lithuanian yeshiva world, wrote that "it is the policy of the yeshivot to have as a primary goal the training of outstanding scholars (*legadel gedolei Torah*). Let us not imagine that [the yeshivot] were not aware that other students would suffer on account of this [exclusivist focus and its concomitant refusal to permit the students to acquire secular, especially university, education]. It is rather that the yeshiva leaders were prepared to pay this price in order to assure themselves a supply of scholars who would be outstanding in both their Torah knowledge and their fear of heaven." *Mikhtav me-Eliyahu* (Benei Brak, 1964), 357.

in it, study of the Talmud was a primary value for the entire society. The educational goals for the people as a whole, knowledge of the fundamentals of Judaism and the fulfillment of its precepts, were considered as no more than byproducts of an educational system directed at developing Talmudic scholars (Tradition and Crisis, 163).

In other words, the gifted student would be able to overcome the lack of systematic training in the propaedeutics. Such a student could indeed work backwards, learning the Bible and the Mishna from secondary sources, mainly the scattered scriptural and mishnaic citations in the Babylonian Talmud. But in the process such a student would already be busy mastering the Talmud from an early age, without having to sacrifice time in studies that could, it was confidently felt, be picked up along the way.

The second cause of the popularity of this approach, critics charged, was parental ambition. As noted in the preceding chapter, scholarship and learning, mastery of the classic rabbinic texts, was a source of enormous social prestige. In the hierarchy of social value, the highest position was reserved for the great, the outstanding, scholar. In such a society, it is not surprising that parents' fondest wish was not simply to see to it that their son had a proper, sound, education, but that he develop into an *illui*, a genius or gifted student. If he indeed did develop into such a scholar, he was assured of a good matrimonial match, for the well-to-do were prepared to pay for such a groom. He himself would be accorded all honors and marks of deference, and the parents and family members would bask in reflected glory. In short, to have a son who was an outstanding scholar was quite literally the dream of Jewish parents. And even if the boy turned out not to be a genius, scholars of any sort were accorded honors proportionate to their perceived level of scholarship. In such a society, which awarded the highest social and religious honor to the gifted student, it was inevitable that the goal of education was the production of gifted students, and the sooner the better. The young son who was able to read and

understand passages from the Talmud was a source of pride to his parents and family, and the younger the age, the greater the evidence of the child's being intellectually gifted, possibly even a prodigy.²⁴³ Along similar lines, a Polish schoolteacher, Moses Muravchik, complained in 1635 that

No subject is studied thoroughly and systematically. In an effort to get the student to the most advanced studies as soon as possible, the elementary studies, which are a necessary foundation for a solid knowledge of the more advanced studies, are covered in an incomplete and hasty manner, with the result that the student's understanding of the more advanced material is one-sided and even perverted...Teachers have to flatter the fathers so that they will continue to keep their sons enrolled. Thus the teacher teaches the son Mishna and even Gemara even though the son is not ready for it. The teacher must praise the son before the father and sometimes has to flatter the son [even when the latter does not deserve it].²⁴⁴

In short, the educational system that developed in Ashkenazic Europe and was certainly flourishing in early eighteenth century Poland was designed to produce Ezekiel Landaus, gifted students who had the ambition, intellect, resources, and energy to master all the texts. Although we do not possess direct information about his early education other than the short reference to his father's rigorous educational demands cited above, everything we know about the Landaus of Opatow and about Ezekiel Landau's career indicate that his was a typical education in Bible, Mishna, and then Talmud, all at an early age. Of course, this is not to say that he necessarily knew or mastered all of these texts in his very young years, as some contemporaries, such as the

²⁴³Criticizing the pedagogical and curricular shortcomings in seventeenth-century schooling in Bohemia and Poland, the famous preacher and scholar Ephraim of Lenczytz declared

Responsible for all this is the foolish pride of the fathers, who desire that their children manifest their great keenness as quickly as possible, so that people might marvel at their acute minds which, when they are still very young, grasp the most difficult Tosafot and sharpest hilluk and already understand ingeniously the secret of "making an elephant pass through the eye of a needle with pilpul" [*Amudei Shesh* (Prague, 1617), Chapter 5, 6a].

Gaon of Vilna, were reputed to have done.²⁴⁵ But we may be certain that he was introduced to them and that he successfully memorized quantities, possibly large quantities, of these texts and their Yiddish translations-*cum* -interpretations in the late teens and early twenties of the eighteenth century.

If memorization and rote-recital was the goal of the first stage of his education, more ambitious demands were made of the student in the second stage. At this point, the student was supposed to learn how to "think talmudically," to analyze in certain ways the texts he was studying, to ask certain types of questions about the text and to give or accept certain types of answers. In rabbinic culture, these questions and answers, this way of reading and analyzing, this form of reasoning, were held to be *the* correct way to properly understand the texts. They were, moreover, held to be the methodological tools necessary to plumb the texts to their depths, to extract from them meaning and information otherwise inaccessible. A plain, straightforward reading of the text was well and good, but ultimately superficial.

To successfully mine a rabbinic text, then, was an act of the very highest scholarship, and the successful and admired students were the ones who learned how to do this. There was no single method of text analysis. Rather, a number of methods and styles arose over the centuries. Some of them came to be called by the name *pilpul*. The point is that this was considered the highest or at least the most impressive form of scholarship, and its practitioners were accorded the greatest prestige in accordance with their perceived abilities. It is therefore not very surprising that students were initiated into this type of learning at young, sometimes very young, ages. Such early exposure was sometimes criticized on pedagogical as well as philosophical

²⁴⁴Moses Muravchik, *Keitzad Seder Mishna* (Lublin, 1635), 85. This small work is reprinted in Assaf, *Mekorot* I 85-97.

²⁴⁵Yehoshua Heschel Halevi, *Aliyot Eliyahu* (Vilna, 1856), 70-77.

grounds by rabbis who were critics of the educational system, but the practice continued in spite of their protests.²⁴⁶ Ezekiel Landau tells us that he, for one, was introduced to this type of learning at a young age.²⁴⁷

These trends in terms of reading and analysis of Talmudic texts had a long history, especially within the intellectual world of Ashkenazic Jewry. The Talmud itself consists of two layers, the Mishna and other writings and statements of the *Tanna'im*, who flourished from circa 50 BCE-200 CE, and the Gemara, the recorded statements of the *Amora'im*, who flourished over the next three centuries. The Gemara cites various statements of different *Tanna'im*, but it does not stop there. The Gemara analyzes the Tannaitic statements, critiques them, compares them to other, explicitly or implicitly contradictory, Tannaitic statements, and dialectically reinterprets them. In the process, the original Tannaitic statement is qualified, modified, refined, or sometimes radically reinterpreted. Sometimes, later *Amora'im* do the same thing to statements of earlier *Amora'im*. Such analyses appear on almost every page of the Babylonian Talmud.

Once the Talmud was written down, there was a relative lull in such analytical activity because the Talmud was itself a difficult work to comprehend at even a basic level due to its being written in outdated languages - Babylonian and Palestinian Aramaic with a liberal sprinkling of Persian and Greek - and due to the absence in it of such basic study aids as punctuation. For five centuries, it seems, the student of the Talmud, guided by his teacher, was compelled to spend a great deal of time simply trying to comprehend the basic meaning of the text. This did not allow much time for the sophisticated and deep analysis of the material itself, for much collation and critique of the various relevant texts, for probing nuances, and especially for working out the implications of statements, and especially the implications of implications.

²⁴⁶For the critiques of the Maharal of Prague and others, see below.

While elite scholars, such as those in the Gaonic yeshivot in Babylonia, undoubtedly employed some form of the pilpulistic approach in their approach to the Talmudic text, the lack of any pilpulistic works from this period suggests this methodology was restricted in scope and popularity.

In the eleventh century, this situation began to change. A series of attempts to write a basic commentary to the Babylonian Talmud that would enable the competent student to understand the plain meaning of the text on his own culminated in the famous commentary of Rashi (1040-1105).²⁴⁸ Rashi's lucid commentary, written in Champagne, succeeded so well in the task it set for itself that it was acclaimed throughout Jewry as *the* basic commentary to the Babylonian Talmud, and indeed, it has remained so down to modern times. There can be no doubt that the young Ezekiel Landau, possibly the very young Ezekiel Landau, was introduced to the study of the Talmud, or Gemara, as it was called, by being taught to recite passages from the Gemara together with the line-by-line running commentary of Rashi, and that his teachers inculcated him in the fundamental convention of traditional rabbinical scholarship that the study of Gemara at its most basic level meant the study of the text of the Talmud together with the commentary of Rashi.

In an interesting dialectical process, Rashi's commentary, concerned as it was with elucidating the plain basic meaning of the text, unleashed a flood of analytical literature that probed for a deeper meaning. Freed from having to expend so much time and effort on the plain meaning of the text, the scholar could now afford to focus on closer reading against a wider background, on collation and analysis, on new levels of interpretive sophistication. From the

²⁴⁷Introduction to *Noda BiYhudah*, see below.

death of Rashi begins an era of dialectical commentary, starting with Rashi's grandson and successor, Jacob Tam (100-1171) and his fellow Tosafists, authors of the "Tosafot." The Tosafist era lasted about a century and-a-half, during which time a dialectical approach to text-interpretation, of comparing contradictory texts of the Babylonian Talmud and resolving the contradictions, flourished.

The Tosafot were "additional notes" to the Talmud, based on a method of studying the various parts of the Babylonian Talmud through intensive collation, close reading, and analysis. Indeed, the Tosafot represent a new trend in the study of the Talmud, one which came to be universally accepted throughout the Jewish world. Essentially, from the point of view of the student, the Tosafot were critical notes written (later printed) together with the text of the Babylonian Talmud and the accompanying commentary of Rashi. These notes pointed out difficulties in the text of the Talmud and in Rashi's commentary. These difficulties usually consisted of contradictory statements *or implications* found elsewhere in the Talmud.²⁴⁹ The Tosafists endeavored to resolve these difficulties, often by a new way of reading or interpreting the Talmudic text under discussion. This seemingly novel approach, which required the student to collate all relevant passages of the Babylonian Talmud every time he studied a particular text, gained great popularity. Objections raised by more traditional scholars, who were used to exclusively focusing on the text at hand, were ignored.²⁵⁰

²⁴⁸"In the eleventh century, Jews everywhere were engaged in explicating that massive, baffling work - the Talmud." Haym Soloveitchik, *Catastrophe and Halakhic Creativity: Ashkenaz - 1096, 1242, 1306, and 1298*, *Jewish History* 12, 1 (1998), 79.

²⁴⁹The Tosafot do also point out internal and logical problems in Talmudic passages or in interpretations offered by Rashi and offer alternative interpretations.

²⁵⁰The classic study of the Tosafot phenomenon is Ephraim Uhrbach's *Baalei Tosafot* (Fifth Enlarged Edition, Jerusalem 1986). Twentieth century scholars have debated the question of the origins of this revolution in Talmud study. Haym Soloveitchik has argued that the change derived from immanent features of rabbinic literature. The Tosafists merely revived the Amoraic

A measure of the popularity of the Tosafistic methodology is its spread in the thirteenth century into Spain, a leading center of intensive rabbinic scholarship where Talmud study had been previously characterized by different methods. Spanish Talmudic and rabbinic works prior to the thirteenth century were distinguished, in the words of H. Zimmels, "by synthesis, system, condensation, and abridgement," not by Tosafistic collation and dialectical reinterpretation.²⁵¹ Indeed, the Talmudic/rabbinic scholarship of the Ashkenazim did *not* find an audience in Spain

enterprise. The Amora'im, those Judean and Babylonian rabbis who composed the Gemara in the years 200-500 CE, collated the various texts, written and oral, of their predecessors, the Tanna'im. The Amora'im noted contradictions, discrepancies, and similar problems, and engaged in reconciling them and deriving new insights into the texts under study. This is precisely what the Tosafists did. What the Amora'im did to the existing texts in their time, the Tosafists did to the Babylonian Talmud, the existing text of the medieval period. In Soloveitchik's words, "Dialectic, dormant for three quarters of a millennium, was rediscovered by [the Tosafists] Rabbenu Tam and R. Isaac of Dampierre, and the two proceeded to do to the work of Abaye and Rava [two preeminent Babylonian Amora'im] what those Amora'im had done to the Mishna." H. Soloveitchik, "Rabad of Posquieres: A Programmatic Essay," in *Studies in the History of Jewish Society in the Middle Ages and in the Modern Period*, ed. by E. Etkes and Y. Salmon (Jerusalem, 1980). Other scholars point to contemporary trends in Christian European scholarly culture. Ephraim Urbach (27-28) discovered striking parallels between the Tosafists and the glossators who worked on the Code of Justinian and other legal texts. In his review of Urbach, Isadore Twersky noted parallels with contemporary canon lawyers. I. Ta-Shma (*Ritual, Custom, and Reality in Franco-Germany*, 119-124) and E. Kanarfogel see the rise of the Tosafists as paralleling the rise of cathedral schools such as those of Fulbert and Peter Abelard. These cathedral schools competed with the older monastic schools. In the monastic schools, emphasis was placed upon the memorization of large quantities of textual material and the absorption of as much of Christian traditions as possible. In the cathedral schools, "while the educational program began with the reading and expounding of a basic text (lectio), the goal of the process was to pose exploratory questions to clarify texts or doctrines and resolve conflicting passages or interpretations (quaestio and disputatio). Whether in Biblical studies, canon law, or Christian theology, the juxtaposing of contradictory sources and the search for resolutions were at the center of the educational process." (*Jewish Education and Society in the High Middle Ages*, 71. These are, of course, precisely the hallmarks of the pre-Tosafist and the Tosafist approach to rabbinic texts. Actually, the first to call attention to the comparison with the cathedral schools was Moritz Guedemann, see A.S. Friedberg, *Ha-Torah ve-ha-Hayim* (Warsaw, 1897) I, 72. This is a Hebrew version of Guedeman's *Geschichte des Erziehungswesens und der Cultur der abenlaendischen Juden des Mittelalters* (Vienna, 1880-8). It should be pointed out that these cathedral schools were located in northern and northeastern France, precisely the location of the Tosafists and their schools.

²⁵¹H.J. Zimmels, *Ashkenazim and Sephardim* (London 1958), 152.

during this period. In the words of Zimmels, "The lack of reference to Franco-German scholars was most probably due to the fact that the Jews in Spain regarded themselves as superior to their brethren in the north, and in this they were justified to a certain extent."²⁵² In his *Sefer Ha-Kabbalah*, the Spanish Jewish historian Abraham ibn-Daud (d. c. 1180) makes not a single reference to any Ashkenazic scholar with the exception of Jacob Tam.²⁵³ B. Septimus, the biographer of the early thirteenth century scholar, Meir Abulafia (1180-1244), points out that Abulafia "was the first scholar nurtured in the tradition of Muslim Spain to assimilate the achievements [of Ashkenazic scholarship] and to maintain personal contact with its major representatives."²⁵⁴ This condescension received classic expression in the Spanish epigram: "Throw the Torah of France into garbage cans."²⁵⁵

In spite of all this, the Tosafist methodology conquered the intellectual world of Spanish talmudism in the thirteenth century. The undeniable usefulness of the commentary of Rashi and the undeniable pertinence of the critical questions and contradictions raised by the Tosafists caused these works to come to the attention of serious scholars from different rabbinic cultures, including Spain. The prestige of the scholars of northern France was dramatically enhanced in the rabbinic world. Spanish students of scholarly lineage such as Jonah Gerundi (1180-1263) went to study in Tosafist yeshivot in Normandy.²⁵⁶ French scholars such as Judah

²⁵² Ibid., 14-15.

²⁵³ See Gerson Cohen's edition of *Sefer Ha-Kabbala* (Philadelphia, 1967), 89. In this passage, Ibn Daud does make a brief favorable reference to a number of the scholars of "France," but all of them (except for Jacob Tam) were from Provence. Tam is the sole Ashkenazi.

²⁵⁴ Bernard Septimus, *Hispano-Jewish Culture in Transition: The Career and Controversies of Ramah* (Harvard, 1982), 26-27.

²⁵⁵ תורת צרפתא השלך לאשפתא. Attributed to the fifteenth century Spanish scholar, Moshe ibn Danon, see H.Y.D. Azulai, *Shem Ha-Gedolim* (Livorno, 1774), s.v. Rashi.

²⁵⁶ C.B. Chavel, *Rabbi Moshe ben Nahman: His Life, Times, and Works* (Heb.) (Jerusalem, 1973), 56-60.

ben Yakar and Nathan of Trinquetaille settled in Aragon, where they popularized the Tosaphist methodology among eager Spanish students, including the young Nahmanides (1194-1270).²⁵⁷ Jonah Gerundi and Nahmanides were the two seminal influences on subsequent Spanish Talmudists, and Nahmanides in particular published *hiddushim*, comments on the Talmud which were basically Tosafistic notes.²⁵⁸ In fact, these *hiddushim* (and those composed by others of the same genre) were referred to by some as "Spanish tosafot."²⁵⁹ These *hiddushim* achieved immense popularity and authority, and subsequent generations of Spanish Talmudists studied these *hiddushim* as a basic component of the Talmud curriculum, in exactly the same manner as the Ashkenazim studied the Tosafot. Nahmanides was imitated by a number of leading Spanish Talmudists over the next century and a half. These scholars, particularly Solomon ibn Adret of Barcelona, Yom Tov Ishbili, and Nissim of Gerona, authored *hiddushim* in the style of Nahmanides. In another dialectical process, these Spanish *hiddushim* eventually found their way into the Ashkenazic curriculum, and by the early modern era were avidly studied by increasing numbers of Ashkenazic students and scholars.²⁶⁰ Thus, the Tosafistic system in one form or

²⁵⁷Ibid., 4-49.

²⁵⁸For Nahmanides the Talmudist and pilpulist, see E. Kanarfogel, "On the Assessment of R. Moses ben Nahman (Nahmanides) and His Literary Oeuvre," *Jewish Book Annual* 51 (1993-1994), 167-169; Y. Ta-Shema, *Ha-Sifrut ha-Parshanit le-Talmud* ["Talmudic Commentary in Europe and North Africa: Literary History"] II (Jerusalem, 2000), 29-55.

²⁵⁹Zimmels, 154.

²⁶⁰The penetration of these texts into the Ashkenazic consciousness and curriculum was a direct result of the proliferation of books following the invention of the printing press, see Elhanan Reiner, "Temurot be-Yeshivot Polin ve-Ashkenaz be-Meot ha-16 ve-ha-17" [The Yeshivot of Poland and Ashkenaz During the Sixteenth and Seventeenth Centuries - Historical Developments"], *Idem., Studies in Jewish Culture in Honor of Chone Shmeruk* (Jerusalem, 1993), 45-47.

another attained predominance in both the Ashkenazic and Sefardic (Spanish) scholarly worlds.²⁶¹

Nor did it stop there. Not only did the Tosafistic system expand geographically, it expanded methodologically. That is, the methodology of the Tosafists was further developed in both Ashkenaz (which by this time meant the territories of the Holy Roman Empire) and Spain, and by the fifteenth century, if not earlier, the yeshivot had developed what came to be known as "classic pilpul," which assumed such importance that the very school year itself was divided into two periods - either in terms of the school day or in terms of different semesters - one for pilpul and for non-pilpul. That is, one period or semester was devoted to the plain study of a Talmudic tractate or two in an attempt to gain a basic understanding of the text. The other period was devoted to pilpul, that is, to a critical re-reading of the text with a view to uncovering difficulties and seeking solutions to those difficulties.²⁶²

The tendency to read ever more critically, to seek out difficulties even when they involved contradictions between the implications of implications, etc. was based on a particular world-view or philosophy. Without a basic understanding of this viewpoint the history of pilpul makes no sense. Let us examine the set of assumptions that characterized the intellectual world out of which pilpul arose.

The rabbinic Jew viewed the Bible, the Written Torah, as he called it, as literally the word of God. God by definition is infinite, as is His intelligence. Therefore anything uttered by God reflects infinite wisdom, so no interpretation can exhaust the totality of the meanings of the

²⁶¹For important cultural observations concerning the spread of Ashkenazic learning-styles in Spain, see Yom Tov Assis, *The Golden Age of Aragonese Jewry: Community and Society in the Crown of Aragon, 1213-1327* (London, 1997), 301-305.

Biblical text. Moreover, since God authored the entire Torah and is fully aware of everything He wrote, there can be no contradictions between one part of the Torah and another. Indeed, for an infinite intelligence, there can be no contradictions between the *implications* of various Torah texts or even implications of implications, no matter at what remove, for God has foreseen it all. Indeed, the very words of the text have special significance in a negative sense as in a positive, that is, they are as important for what they do *not* say as for what they do. After all, in choosing the particular words He did to include in the Torah, God, the infinite intelligence, was fully aware of the sum total of all the possible alternative formulations that could conceivably have been substituted. If God chose to use one formulation rather than another, it indicates just that: a choice was made, the words used were chosen after all other possible formulations were considered and rejected. Ancient Jewish biblical hermeneutics reflects this approach.²⁶³

In the course of the Talmudic era the sayings of the rabbis were edited and published in the form of the Palestinian and Babylonian Talmuds and in the form of the Midrashim. These texts achieved canonical status in the Jewish world. Taken as a whole, they were seen as authoritative expositions of the meanings of the Written Torah. The Talmudic rabbis, the scholars who appear in these texts, were judged to be more than ordinary mortals. They were viewed as men of literally extraordinary intelligence and virtue. Nor was this attitude a purely medieval invention. Numerous statements in the Talmud itself express the same sense of extreme veneration toward the rabbinic predecessors. The most characteristic and famous of these

²⁶²Mordechai Breuer, "Aliyat ha-Pilpul v'ha-Hilukim bi-Yeshivot Ashkenaz [The Rise of Pilpul in the Yeshivot of Medieval Ashkenaz]," in Azriel Hildesheimer ed., *Sefer ha-Zikaron le-Morenu Y.Y. Weinberg* (Jerusalem, 1969), 241-45.

²⁶³For a history of these hermeneutical attitudes, see Jay Harris, *How Do We Know This? Midrash and the Fragmentation of Modern Judaism* (New York, 1995).

statements is attributed to the fourth-century *Amora* Rabbi Zeira: "If our scholarly predecessors were angels, then we may be accounted men, but if they were men, then we are but asses."²⁶⁴

Given such an attitude, it is not surprising that in the medieval era, as the texts of the Talmud and its ancillary literature began to circulate and attain canonical status to the point where the Babylonian Talmud, not the Bible, became the focus of study, the Talmudic text should be subjected to the same kind of close scrutiny as the text of the Bible itself. To the traditional Jew, the Talmud contained not a single superfluous word; every word in the text had been included only after every possible alternative had been considered and rejected by the authors of the Talmud.²⁶⁵ A fine description of this approach to, and method of, studying a text was given by Harry Wolfson of Harvard, himself a former student of the Lithuanian yeshivot:

In this method (i.e. the Talmudic method of text study), the starting point is the principle that any text that is deemed worthy of serious study must be assumed to have been written with such care and precision that every term, expression, generalization, or exception is significant not so much for what it states as for what it implies. The contents of ideas as well as the diction and phraseology in which they are clothed are to enter into the reasoning. This method is characteristic of the Tannaitic interpretation of the Bible from the earliest times; the belief in the divine origin was sufficient justification for attaching importance to its external forms of expression. The same method was followed later by the *Amora'im* in their interpretation of the Mishna and by their successors in the interpretation of the Talmud, and it continued to be applied to the later forms of rabbinic literature. Serious students themselves, accustomed to a rigid form of logical reasoning and to the usage of precise forms of expression, the Talmudic trained scholars attributed the same quality of precision and exactness to any authoritative work, be it of divine origin or the product of the human mind. Their attitude toward the written word is like that of the jurist toward the external phrasing of statutes and laws, and perhaps also, in some respect, like

²⁶⁴Babylonian Talmud, *Shabbat* 112b.

²⁶⁵קבלה נאמנה בידי חכמי ישראל כי כשם שהמשנה נמסרה בלשון מדויקת ומדוקדקת שאין למעלה ממנה, עד שבתוך קפולי דבריה נגזרו הלכות מרובות, שחכמי התלמוד התאמצו לגלותם בעיונם העמוק ובהרגשתם הדקה מן הדקה...כן נמסר גם התלמוד בלשון מצומצמת ומכוונת עד להפליא. לשון "סתמא דגמרא" וטופס המימרות והשמעות, קשורן, נסדורן, לא יצאו מידי החכמים המסדרים במקרה, כי אם הכל נעשה בכוונה ובמחשבה תחילה Nahman Greenspan, *Pilpulah shel Torah* (London, 1935), 26.

that of the latest kind of historical and literary criticism which applies the method of psychoanalysis to the study of texts.²⁶⁶

Just as the Talmud itself attained canonical status in the Jewish world, certain post-talmudic literary works likewise came to be regarded as the products of more than just the human mind. Rashi's commentary, for example, attained such popularity that it came to be regarded as

²⁶⁶ Harry Wolfson, *Crescas' Critique of Aristotle* (Cambridge, 1929), 24-7. The remainder of Wolfson's observations, though too lengthy to be included in the body of this dissertation, deserves to be quoted in full:

This attitude towards texts had its necessary concomitant in what may again be called the Talmudic hypothetico-deductive method of text interpretation. Confronted with a statement on any subject, the Talmudic student will proceed to raise a series of questions before he satisfies himself of having understood its full meaning. If the statement is not clear enough, he will ask, "What does the author intend to say here?" If it is too obvious, he will again ask, "It is too plain, why then expressly say it?" If it is a statement of fact or of a concrete instance, he will then ask, "What underlying principle does it involve?" If it is a broad generalization, he will want to know exactly how much it is to include; and if it is an exception to a general rule, he will want to know how much it is to exclude. He will furthermore want to know all the circumstances under which a certain statement is true, and what qualifications are permissible. Statements apparently contradictory to each other will be reconciled by the discovery of some subtle distinction, and statements apparently irrelevant to each other will be subtly analyzed into their ultimate elements and shown to contain some common underlying principle. The harmonization of apparent contradictions and the inter-linking of apparent irrelevancies are two characteristic features of the Talmudic method of text study. And similarly every other phenomenon about the text becomes a matter of investigation. Why does the author use one word rather than another? What need was there for the mentioning of a specific instance as an illustration? Do certain authorities differ or not? If they do, why do they differ? All these are legitimate questions for the Talmudic student of texts. And any attempt to answer these questions calls for ingenuity and skill, the power of analysis and association, and the ability to set up hypotheses-and all these must be bolstered by a wealth of accurate information and the use of good judgment. No limitation is set upon any subject; problems run into one another; they become intricate and interwoven, one throwing light upon the other. And there is a logic underlying this method of reasoning. It is the very same kind of logic which underlies any sort of scientific research, and by which one is enabled to form hypotheses, to test them and to formulate general laws. The Talmudic student approaches the study of texts in the same manner as the scientist approaches the study of nature. Just as the scientist proceeds on the assumption that there is a uniformity and continuity in nature, so the Talmudic student proceeds on the assumption that there is a uniformity and continuity in human reasoning. Now, this method of text interpretation is sometimes derogatorily referred to as Talmudic quibbling or pilpul. In truth, it is nothing but the application of the scientific method to the study of texts.

something beyond the capacities of an ordinary human being. It became universally accepted in the rabbinic/yeshiva world that Rashi had composed his work under divine influence, that he had been infused with "the holy spirit" (*ruah ha-kodesh*). Such notions are prevalent in these circles even today. According to this point of view, there is not a single unnecessary word in Rashi's commentary, not a single phrase that was written down before all other possible alternative formulations were considered and rejected. Rashi's commentary therefore became the object of the same kind of scrutiny given the Talmud. To take one example: Rashi at times prefaces his comment with the introductory formula כלומר, "as if to say." Why does he do this in some places and not others? What subtle point is conveyed with this seemingly unnecessary word? Many pilpulists devoted themselves to this problem.²⁶⁷

Rashi's successors, Rabbi Jacob Tam and the Tosafists, subjected Rashi's commentary to general scrutiny and criticism. They often took issue with Rashi's interpretations and offered alternatives. This was problematic for the pious Talmud student who was convinced that Rashi could not possibly have made a mistake. But the Tosafists, who, to that pious student, were also giants worthy of the greatest veneration, plainly indicate that in their opinion Rashi did indeed err on occasion. This quandary led many to seek to reconcile the interpretations of Rashi and those of the Tosafot at one level or another, or at least to indicate that Rashi and the Tosafists proceed from different presumptions. At times, such an analysis is perfectly valid. However, the penetrating but pious student was then under obligation to discover the reason Rashi did not subscribe to the presumption of the Tosafists and vice-versa. If he was truly persistent, he felt obliged to discern why Rashi, who (perfect intelligence that he was) was certainly aware of the reasoning that could lead the Tosafists to reject his presumptions, himself rejected their

²⁶⁷Dimitrovsky, 123-4, 127, 149; see also Joseph Karo, *Kelalei haGemara* (Jerusalem, 1996),

rejections! And so on and so on in an endless dialectic cycle of analysis, hypothesis and counter-hypothesis, always yielding new speculative insights. The curricular result of these developments was that the Talmud student widened the area of his study to include, not only the Talmud itself, but such commentaries as Rashi, the Tosafot, and - in Spain - the *hiddushim* of Nahmanides, and occasionally those of his successors.²⁶⁸

The fifteenth century witnessed new refinements of the pilpulistic method of Talmud study. As we have seen, to the medieval Talmud student a sacred text was as noteworthy for what it did not say as much as for what it did. A number of approaches to the text were developed out of this ascription of great significance to what the text did *not* state. To give one example which became popular: When a student studied a passage from the Talmud, he would, as a preliminary step, not read the commentary of Rashi. Rather he would try to work out the meaning of the words and the legal discussion, however complicated, on his own. Once he succeeded in doing this to his satisfaction, he would then read Rashi's commentary. If the commentary was identical with his own interpretation, the student was perplexed. Why had Rashi written something that evidently could be understood without his commentary, as the student had empirically verified? On the other hand, if Rashi's interpretation was not identical

paragraph 735, and Malachi Cohen, *Yad Malachi* (Vilna, 1898), 189.

²⁶⁸See Messer Leon's remarks above (note 256). Given these attitudes, the following remarks attributed to the Besht (1698-1760), the founder of modern Hasidism, are quite characteristic: "All the books up to and including the *Maharsha* (Solomon Eidels, a famous Polish Talmud commentator who died a generation before the Besht) were written with *Ruah Hakodesh*, 'the Holy Spirit' (divine inspiration). As such they are pure Torah...As such, they can be interpreted literally, homiletically, kabbalistically, and in terms of allusions and hidden meanings." (Yisrael Dov of Wlednik, *She'erit Yisrael* [Zhitomir, 1867,] 45. This passage is cited in Aaron Wertheim, *Law and Custom in Hasidism* (New York, 1992), 89. Wertheim himself observes: "The Besht considered all the words of the Sages as holy, to the extent that he found hidden meanings in every word and letter...This method was used not only with the sayings of the *Tanna'im* and *Amora'im*, but also with sages of later generations, such as Rashi, the Rambam, and the *Shulhan Arukh*."

with the student's, then the student's reasoning must have been flawed. Wherein lay the flaw? Against what error was Rashi seeking to warn the student by choosing the formulation that he had? Were there any other possible errors Rashi was aware of and against which he had intended to warn the student? How about the Tosafists? What were the possible errors they were aware of when they constructed *their* formulations? In short, the student's goal was not merely to understand the text or even the text with the commentaries. It was to engage in a kind of psychological/intellectual archaeology, to try to put himself, to the degree possible, into the mind of Rashi, Jacob Tam, Nahmanides, or even the Talmudic sages, in order to ascertain what was going on in their minds at the time they had studied this passage and had chosen one formulation and rejected others. In such an environment, the *sevara mibahutz*, the external or unmentioned erroneous formulation or theory, the one that was rejected in favor of the written formulation, assumed great importance in the intellectual world of the yeshiva. To reconstruct such errors and to demonstrate their precise weaknesses was viewed as a considerable intellectual achievement.²⁶⁹

A characteristic feature of this style of learning was its extremely localized character. That is, when the student studied a particular discrete passage, he concentrated on that specific passage to the exclusion of all others. He would not seek to cross-check similar passages in other parts of the Talmud, to compare and contrast other relevant parts of the Talmud or the commentaries. Such cross-checking had been a pronounced feature of the Tosafot, indeed one of its most valuable tools. The Tosafot typically analyze a particular statement in the Talmud by contrasting it with a seemingly contradictory statement elsewhere in the Talmud. This method fell into abeyance among yeshiva students and was replaced by a conscious refusal to try to

²⁶⁹Breuer, 247; Dimitrovsky, 116-117, 124.

understand any passage except on its own terms, out of its own words. It is possible that such an approach reflected the unavailability of books to the average yeshiva student. After all, how many rabbis, let alone yeshiva students, possessed a rich rabbinic library in the fifteenth and sixteenth centuries?²⁷⁰ On the other hand, it does seem that the localized approach represented more than just making the most of a scarcity of books. Rather, it seems that the sanctity of each text, of each sentence, bestowed upon that text a unique integrity, and the infinite nature of the wisdom contained in each text elevated it beyond a mere informational text, best understood when viewed in the context of all similar passages in the rabbinic literature. Rather, the sanctity granted that text an identity of its own, and demanded of the student that he master that text on its own terms. In addition, localization may have represented a reaction against the students who, having superficially mastered one passage, immediately sought out other passages to contrast, *a la* Tosafot, without having taken the trouble to master the original passage in a thorough manner. In other words, localization may have represented a reaction to what was perceived as a certain intellectual superficiality.²⁷¹

In the course of the fifteenth century, certain Ashkenazic yeshivot developed particular variations of the pilpulistic text-analysis. The yeshivot in Augsburg, Nuremburg, and Regensburg achieved an international renown for their particular methods of analysis. Students

²⁷⁰On the limited number of books in the Ashkenazic rabbinical library in the late medieval period, see Reiner, "Temurot bi-Yeshivot Polin ve-Ashkenaz," 45-46.

²⁷¹On the phenomenon of localization in classic pilpul, see Dimitrovsky, 117, especially the memoirs of R. Zelig Margolios, who published a digest of pilpul, *Hibburei Likutim* (Venice, 1715), to which he appended an autobiographical sketch which describes the style of talmud-study prevalent in his youth. Margolios describes how he was introduced to the pilpulistic system then in vogue by an older student who had himself been a disciple of Rabbi Heschel of Cracow,

in Italy, Poland, and elsewhere constantly knew of the questions known as "Nuremburgers," "Augsburgers," and "Regensburgers."²⁷² A "Nuremberger" was defined by the celebrated seventeenth century Polish Talmudist, Isaiah Horowitz, in the following terms:

We frequently find in the Talmud, where there is a dispute between two Amora'im, that the questioner first challenges one Amora on the basis of a Mishna or a Baraita, receives an answer, and then challenges the second Amora on the basis of another Mishna or Baraita. Now if there is a conflict of views even without the Amoraic dispute, in what way did the questioner originally understand the Mishnas or Baraitas, which, after all, contradict each other, and why did he not point out the contradiction without reference to the Amoraic dispute?²⁷³

In other words, the scholars at the Nuremberg Yeshiva developed an approach to the text which featured an attempt to reconstruct, in certain situations, the reasoning process of the Talmud itself. One such situation is when the Talmud chooses to point to a contradiction between one set of statements (in Horowitz's example, the statements of a pair of Amoras, late Talmudic rabbis) when it could have pointed to the same contradiction in another set (in the example, the statements of Tannas, early Talmudic rabbis). The choice of the statements of the later rabbis as the framework for the contradiction was obviously deliberate - to the pilpulist, everything in the Talmud was deliberate. There had to be some underlying, deeper, meaning to the Talmud's choice. Now this line of questioning can be quite reasonable. As can be imagined, though, it was often the springboard for an interpretation of the text that was highly speculative.

the ancestor of Ezekiel Landau. The pilpul he describes was very likely still in vogue in Ezekiel Landau's youth. See also Rapel, 124-127.

²⁷²H. Ehrentreu, "Ueber den 'Pilpul' in den alten Jeschiboth," *Jahrbuch der juedisch-literarischen Gesellschaft*, Frankfurt iii, 206 ff; Dimitrovsky, 142-152; Assaf, *Mekorot* I: 66, who notes that a German Christian scholar, Leonhard Apultus, published a dissertation on this subject in 1787.

²⁷³Isaiah Horowitz, *Shnei Luhot Ha-Brit, masechet Shavuot*; Normon Solomon, *The Analytic Movement: Hayim Soloveitchik and his Circle* (Atlanta, 1993), 118-119.

Even Horowitz, who favored such methods (see below), warned against the temptation to engage in what he termed "excessive and unfounded speculation." Any line of questioning the text that raised similar questions was called a "Nuremburger."

The type of question developed in the yeshiva in Augsburg was somewhat along the same lines, but involved cases where the Talmud, in the course of a discussion, cites a Mishna or Baraita as a proof text. Now in quoting the proof text the Talmud sometimes quotes only the part of the Mishna or Baraita that is actually relevant to the discussion. At other times, the Talmud cites an entire Mishna or Baraita, including those parts that seemingly are not germane to the discussion. Why does the Talmud do that? Obviously it was aware that part of the cited proof text was irrelevant? There can be only one conclusion: The seemingly irrelevant parts are not irrelevant at all. In fact, they are an absolutely necessary component of the discussion! This type of question-and-answer was called an "Augsburger." There were many variations of this popular pilpulistic strategy, which focuses on seemingly unnecessary words in the text.²⁷⁴

The "Regensburger" involved the following talmudic textual scenario: A question is raised, then answered, and a Mishna or Baraita is adduced in support of the answer. The problem is: Didn't the questioner, himself a Talmudic sage, know of this Mishna or Baraita? As a sage he was undoubtedly familiar with it, and if he nevertheless asked his question it must mean that he interpreted that Mishna or Baraita in such a way as to render it irrelevant to his question. On the other hand, the Mishna or Baraita *does* seem at first glance to supply a coherent answer to the

²⁷⁴See Dimitrovsky, 144-148, who describes how the "Augsberger" spawned a technical terminology of its own. For example, if the (seemingly) redundant part of the Mishna or Baraita was located in the first part of that Mishna or Baraita, then the question was a "farbrenger," that is, it involved the part that was "brought first." If the second part of the Mishna or Baraita was the controversial part, the question was an "ausbrenger," because it was "brought last."

question he raised. How, then, does the questioner read and interpret that proof text in such a manner as to render it irrelevant? And so on.²⁷⁵

"Nuremburgers," "Augsburgers," and "Regensburgers" by no means exhausted the list of pilpulistic approaches and methods. A number of radical approaches arose in connection, not with the Talmudic text, but with the text of the Tosafot, a kind of pilpul of pilpul. To give one remarkable example: The Tosafot typically point to a difficulty in the text or logic of a particular Talmudic passage. The difficulty is usually couched in one of two technical terms, either נאם תאמר ("if you will say") or תימא ("consternation"). The difficulty is then outlined, and a solution offered, beginning with the formula: ויש לומר ("it is possible to say"). Now, the pilpulist is bothered by Tosafot's observation that something in the Talmud is worthy of consternation. Such statements from scholars as great as the Tosafists are not to be taken as hyperbole; there must indeed be something in the text which, upon deep and mature reflection, is extremely disconcerting. But then the Tosafists proceed to arrive at a solution to the difficulty whereby the consternation is canceled. This bothers the pilpulist. If it was possible the entire time to resolve the difficulty, why did Tosafot use such strong language and declare that they were in consternation over such a terrible difficulty? Entire treatises and books were devoted to this problem. One school of thought argued that the answer given by Tosafot is not really an answer to the difficulty at all. Rather it is an answer to a different problem, *one unmentioned by the Tosafists*, but obvious to them. Thus, the answer given by Tosafot resolves the unspoken question, leaving the original, stated question, the one that caused consternation, unanswered! In other words, to a pilpulist of this school, a plain reading of the text of Tosafot, in which a question is raised and a solution offered, betrays an unsophisticated, shallow, and inadequate

²⁷⁵Nahman Greenspan, *Melekhet Mahshevet* (London, 1955), 22-25; Dimitrovsky, 143-144.

understanding of the text. It is the unspoken, the unmentioned, that is the crux of the discussion. Such a radical deconstruction of the text, of course, opens the door to extreme speculation on the part of the interpreter.²⁷⁶

In the sixteenth century, pilpul underwent further development, and the groundwork was laid for the intellectual world of Ezekiel Landau. For Ashkenazic Jewry the center of gravity shifted in the sixteenth century from Germany to Poland, which became the preeminent center of rabbinic scholarship in Europe, if not the world. The German Talmudist Jacob Pollack of Prague (d. 1530) is commonly associated with the introduction of pilpulistic studies to Polish Jewry, and with its further expansion into *hilluk*.²⁷⁷ This term denoted a method in which a group of pilpulistic points of various types were strung together to develop a complex argument. Thus, a *hilluk* is composed of a string of pilpuls, so to speak. The *hilluk* by definition involves more than one passage of the Talmud or one passage from the classic commentaries. The whole point is to string together Nuremburgers, Augsburgers, Regensburgers, analyses of unmentioned questions and answers, and various other methodological tools in an intellectual tour de force, and to demonstrate previously undiscerned commonalities or distinctions between various passages or words in different parts of the Talmud and its ancillary literature.²⁷⁸ The entire approach represented a huge leap forward from the point of view of the pilpulist. By use of individual pilpuls it assured the student that each passage was being thoroughly studied in a non-superficial manner. By connecting them to other pilpuls, it restored a sense of largeness, of

²⁷⁶Ibid., 151-153.

²⁷⁷David Gans, *Zemah David* (M. Breuer's edition, Jerusalem, 1983) 138. On Pollack, see the comprehensive bibliography in Reiner, "The *Yeshivas*," 48-9. Reiner points out that a scholarly biography of Pollack remains a desideratum, and that very little new information concerning this important figure has come to light since the first years of the twentieth century.

²⁷⁸יחידה קטנה שהיא כוללת קושיא ותירוץ, שאלה ותשובה, היא "פלפול". שרשרת של יחידות כאלה, שמצד התוכן הן עוסקות בסוגיא המקומית "בעומק העיון" והן מקושרות בהמשך נאה - היא "חילוק". Dimitrovsky, 118.

comprehensiveness, to the entire intellectual enterprise. In short, it represented, *mutatis mutandis*, a kind of return to the Tosafistic enterprise, where the whole of the Talmud (plus the whole of the ancillary commentary literature) was surveyed by the pilpulist in his efforts to clarify fine points in the text.²⁷⁹

The hilluk system became wildly popular among students in the Polish yeshivot. Moreover, Pollack himself and his son-in-law Shalom Shachna (d. 1560), were both seminal influences on Polish talmudism; his disciples occupied leading positions in the rabbinate and in the yeshivot.²⁸⁰ Shalom Shachna's son-in-law was Moses Isserles, author of the Ashkenazic part of the authoritative law-code, the *Shulhan Arukh*, and the preeminent Polish rabbi of the mid sixteenth century. The hilluk system dominated Polish Talmudic studies down to the eighteenth century, and, as we shall see, played an important role in the education and development of Ezekiel Landau.

To be sure, the system was clearly prone to excesses. There can be no doubt that hillukim usually featured, in the analysis of one recent critic:

a complicated, convoluted approach to the Talmud, using linguistic inferences to draw artificial conclusions, and deriving premises using standard methods of text examination peculiar to this style of learning, the validity of which was disputed by opponents of this system. A conclusion, no matter how flimsily drawn, would be used to prove yet another concept, heaping premise upon premise, until the lecturer proved the point which was the central theme of his discourse. The end result was a magnificently constructed edifice of elaborate and far-fetched conclusions, intellectually stimulating because of its ingenuity,

²⁷⁹On hilluk, see Greenspan, 26-27; Dimitrovsky, 112-119. A precise definition is given, interestingly, in Samuel Landau's forward to his father Ezekiel's sermon collection *Doresh le-Zion*. See the following chapter for a full discussion of this work.

As opposed to Dimitrovsky, Elhanan Reiner argues that Pollack was not the originator of hilluk per se, but of a type of academic lecture or presentation called *pilpul ha-hillukim*, in which the rosh ha-yeshiva, the head of the school, would deliver a formal hilluk to the student body after the students had studied and discussed the subject matter pilpulistically on their own. The method of hilluk, Reiner argues, already existed in fifteenth century Germany. See Reiner, "The Yeshivot of Poland and Ashkenaz," 40-42.

²⁸⁰Gans, *ibid*.

but weak in its construction; for each facet of the argument, if examined closely, could not withstand scrutiny. Indeed, it was charged that the conclusions were preconceived, and that the proofs were artificially manufactured, "tying thread to thread" until a seemingly strong rope was formed, connecting matters having no real connection. Even its supporters admitted to the shortcomings of the method, and defended it only for its use in "sharpening" the minds of the young students, and stimulating them to intensive study. None of the rabbis used this method to arrive at halakhic conclusions in their responsa, and it was restricted to discourses in the yeshiva.²⁸¹

Under the hilluk system, the greatest prestige accrued to the accomplished hillukist. This meant that the more traditional scholarship, both the scholarship which consisted of straightforward mastery of the Talmudic and halakhic texts and commentaries, as well as the traditional pilpuls, Augsburgers, Regensburgers, et al, suffered a diminution of the esteem which they had traditionally been accorded. This was bound to produce tension and friction, and it did. Already in the mid-sixteenth century, the preeminent Talmudist and halakhist Solomon Luria (1510-1573) was complaining bitterly that the students in his yeshiva were rebelling against him and his style of learning, which evidently was pilpulistic but not hillukistic, and were causing him grief by demonstrating their preference for "real" learning, namely the hillukim of Shalom Shachna.²⁸²

Within a few decades, other voices began to be raised against hillukim. This time the criticisms were not those of traditionalists like Luria who objected to new types of learning. The new criticisms went deeper. Interestingly, the two most famous of these critics were the two

²⁸¹Hersh Goldwurm, *The Early Acharonim* (New York, 1989), 52-53.

²⁸²*Responsa of Solomon Luria* (Jerusalem 1993) no. 16 (pp. 56-7); Dimitrovsky, 114-116. The letter was to Moses Isserles, Shalom Shachna's son-in-law, whom Luria admired. See, however, Reiner, 53-60.

Chief Rabbis of Prague, the famous Maharal and his successor Ephraim of Lenczycz, both leading rabbis of the day.²⁸³

Maharal criticized the entire traditional system of education, especially the curriculum. Essentially he argued for the Mishnaic curriculum of thorough study of the Bible, followed by the thorough study of the Mishna, and only then the study of the Talmud, but without the study of the Tosafot. Indeed, Maharal expressed the wish that the Tosafot had never been printed on the same page as the Talmudic text, for it had led most students to preoccupy themselves with the Tosaphistic notes and not with the plain meaning of the Talmudic text. In short, Maharal argued that Tosafot, pilpul, and especially hilluk should be reserved for the most advanced level of study.²⁸⁴

In fact, Maharal's critique went deeper. Rarely was a hilluk intellectually honest, that is, rarely did the hilluk represent an honest attempt on the part of the hillukist to construct a consistent chain of pilpuls, each of which was connected, logically and sequentially, with the others. Instead, the hilluk was often a display of ingenuity, a tour de force designed to impress

²⁸³For a scholarly biography of the Maharal, see Byron Sherwin's *Mystical Theology and Social Dissent: The Life and Works of Judah Loew of Prague* (London, 1982). See below for information on Ephraim of Lenczycz.

²⁸⁴Maharal's views on education have been studied in detail by A.P. Kleinberger in his *Ha-Makhshavah Ha-Pedagogit Shel Ha-Maharal Mi-Prague* (Jerusalem, 1962). See, however, the review of Kleinberger's work in REJ 123 (1964), 225-233. Recently, attention has been drawn to the similarities between the educational philosophy of Maharal and that of his Christian contemporaries, especially his younger fellow Moravian, the great educational reformer Jan Amos Comenius (1592-1671). The similarities have led to much speculation as to its origins. See H. Stransky, "Rabbi Judah Loew of Prague and Jan Amos Comenius: Two Reformers in Education," in *Comenius*, ed. V. Busek (New York, 1972); M. Breuer, "Modernism and Traditionalism of David Gans," in *Jewish Thought in the Sixteenth Century*, ed. B. Cooperman (Harvard, 1983), 49-88; Otto Dov Kulka, "The Historical Background of the National and Educational Teachings of Rabbi Judah Loeb ben Bezalel of Prague: A Suggested New Approach to the Study of Maharal," *Zion* (Jubilee Volume, 1985), 277-320; and Carol K. Ingall, "Reform and Redemption: The Maharal of Prague and John Amos Comenius," *Religious Education*, 89,3 (1994), 358-376 (This last article contains a number of factual inaccuracies).

the listener. Now, to be sure, the hillukist would counter that it was precisely to elicit critical comments from the student that the hilluk had been constructed. The point of the lecture was to teach the students how to criticize, how to consider fine points of reasoning. The traditional term for this was *hidud*, "sharpening". The argument was that the student benefited from training in the cut-and-thrust that a hillukist lecture entailed, with the teacher attempting to argue the connectedness of subtle points or implications while the students vociferously objected to these attempts, with the teacher responding, and so on. This, of course, was the same argument for the utility of pilpul, although the hilluk seemed less grounded.

To the Maharal, none of this mattered. He considered it unconscionable that a teacher of Torah, the Word of God, who was the ultimate source of truth, should sully the minds of students with untruths. By definition, untruth could not lead to enhanced intellectual ability.²⁸⁵ But Maharal was not able to convince anyone with influence to change the system. He gave expression to his anger and frustration in the following words he published in the 1590s:

From the day that I reached intellectual maturity, I have observed carefully and seen how badly our generation carries on the conduct of Torah and study. I said to myself: "This is not the way our fathers and the holy men of former times followed; the difference is so vast that there can be no comparison." Therefore some years ago I strengthened myself like a lion and desired to make improvements in this realm according to my understanding. But I did not succeed in this, for the sons of our generation declare, "We will follow the many." Not long ago I made a new attempt and addressed a summons to the Lands of Poland and Russia, asking them to make the necessary improvements in this area. But once again I accomplished nothing. Nevertheless, I do not withdraw from the struggle or lose courage. I shall hope that my words of instruction will yet be heard and reach attentive and pious hearts...If I thereby succeed in bringing aid to one out of a thousand or leading him to the right way, I will take no account of the thousand fools who stop up their ears and avert their eyes...²⁸⁶

²⁸⁵It is Rapel who points out that what Maharal particularly objected to was the teaching of falsehood, see Dov Rapel, *Ha-Vikuah Al Ha-Pilpul*, (Tel-Aviv, 1979) 93-95.

²⁸⁶From the introduction to "Drush Al Ha-Torah," *Drashot Maharal Mi-Prag* (Jerusalem, 1996) 21.

Woe for the shame and disgrace, that our generation differs from all the others! The honor of the Torah, its glory and splendor, have disappeared in it, and we are all naked, without knowledge - and this for the sake of hillukim and pilpul!...Let them not say that pilpul sharpens minds; it only makes one foolish and ignorant. We see to what this "sharpening" has brought us...If the students in their early years and at the beginning studied the plain meaning of the Talmudic text, the learning of their childhood would remain with them and they would at least know several tractates, but now they know nothing - and this because they immediately begin with Tosafot, even before they have obtained any notion whatsoever of the Talmudic text itself...One cannot, after all, make the same demands of small children and adults. Among us, however, men refuse to know anything of this. And if you try to argue with a father and make him understand that he should first teach the "principle of the law" to his child and not immediately confuse his mind with Tosafot, this will seem to him as if you were saying that he should not teach his son at all. For the father thinks only of glory....Do not believe that everyone who can ask questions on a matter, who is an "uprooter of mountains" and a keen practitioner of pilpul, is already a master of Torah. No, he is not a master of Torah but only of pilpul! And when there is no real knowledge of Torah, there also reverence of God is lacking...Know, all you who sit in the yeshivot, if all the seas were ink, they would not suffice to describe the tremendous ruin this method of study has wrought - this method which has brought about it that in countries where there were once great scholars like Rashi, Rabbenu Tam, and the Tosafists, now, because of our sins, the Torah has been entirely forgotten...If only one out of a thousand realized how great the danger is, this would be some consolation to me. But no one sees or wishes to understand. Therefore my heart grieves and my eyes weep...²⁸⁷

All children go to the teacher to learn Torah, but there is great apprehension that with the barbaric order of study prevalent among us, this can only bring harm. On studying the Bible and the Mishna no emphasis at all is placed, and the study of the Gemara is also conducted in such a way that it can have no good result. The child comes to his teacher ignorant of Scripture and leaves in the same condition. The Mishna, which is, after all, the foundation and the chief element in the study of Torah, is also not studied. Thus the children remain with nothing. They wish to fly to the highest heavens, but they fall ever lower, and no argument is of any avail. The teacher thinks only of himself, and the father, with his slight understanding, wishes that his son should learn the entire Torah in a brief period. His son is still a little boy, and he already sends him to distant yeshivot to draw water from deep wells. All these dreams, however, run off like water, and if he is lucky the child will bring back the little Torah with which he went away. So enormous is the number of ruined ones whom the absurd order of learning has crippled for life...²⁸⁸

The reason that no one in this generation pays attention to the study of Mishna is a false premise that gives rise to a perverse conclusion. People believe that one can develop into a Torah scholar only through the mental gymnastics of pilpul, which posits theories of halakha and then analyzes these empty contrived hypotheses. They create new explanations of Torah that are unfounded, claiming that this method is necessary to sharpen the mind. How can they think like that? A person should tear his heart out over this practice of turning truth into falsehood in order to sharpen the mind! Such a thing

²⁸⁷*Netivot Olam* (Jerusalem, 1980) 25-6.

²⁸⁸ *Ibid.*, 44.

should not be found in Israel - to sharpen the mind with falsehood or to even spend time on falsehood - for the Torah is a Torah of truth. Indeed, as a result, they become more foolish, rather than wiser. It would be better to learn carpentry or another trade, or to sharpen the mind by playing chess. At least they would not engage in falsehood, which then spills over from theory and into practice...²⁸⁹

This small selection from the Maharal's numerous references to the problem reveal his assessment of the deficiencies in contemporary education, particularly the ungraded, unbalanced curriculum and the inappropriate resort to hilluk and even pilpul.

The same principled opposition to hilluk was echoed by a younger contemporary and successor in the Prague rabbinate, Ephraim of Lenczytz, the most famous preacher of the day.²⁹⁰ Ephraim likewise castigated the shortcomings of the contemporary educational system, particularly the skewed curriculum and the teaching of falsehoods.

Observe the absurd method of teaching the Pentateuch to young children. The child is still so young that he cannot understand anything, but they already begin to teach him the Pentateuch! And that not in order but in separate fragments - this week several verses from [the Scriptural portion read in the synagogue, called] Bereishit, the next week from Noah, etc. Also, in these verses the child is taught only the meaning of the words but not the connection between the verses, which would make it possible for him at least to obtain some notion of what it is all about. The Pentateuch is employed here only as a little textbook to learn the language, just like all other textbooks. Thus they mechanically drill into the child the meaning of the individual words, but of the content of the Torah, of its laws and teachings, he has no conception. And with such wretched information, the child immediately passes over to the study of the Gemara. Here also they begin with tractates that are not at all suited to his understanding, e.g., Eruvin and

²⁸⁹*Tiferet Yisrael* (Jerusalem, 1980), 168.

²⁹⁰A scholarly biography of Ephraim remains a desideratum. The only biography to date is M. Gruenwald's *Rabbi Salomo Ephraim Luntschitz* (Prague, 1892). In *Hagut ve-Hanhagah*, (Jerusalem, 1959), H. H. Ben Sasson devoted attention to the social-historical significance of certain themes in Ephraim's writing's, elaborating on his article in *Zion*, 19 (1954), "Osher ve-Oni be-Mishnato Shel ha-Mokhiah Rabbi Ephraim Ish Luntzitz." Y. Elbaum has done the same in his *Petihut ve-Histagrut* (Jerusalem, 1990). On Ephraim as sermonizer and homiletician, see Israel Bettan, *Studies in Jewish Preaching* (Cincinnati, 1939), 273-316; H.R. Rabinovitz, *Deyoknaot Shel Darshanim* (Jerusalem, 1967), 137-49; and Marc Saperstein, *Jewish Preaching, 1200-1800: An Anthology* (Yale, 1989). See also the useful information in Gutmann Klemperer, "The Rabbis of Prague (1609-1879)," in *Historica Judaica*, XII (1950), 38-43.

Hullin [two highly technical tractates dealing with various aspects of the Sabbath and kosher regulations]. Is it to be wondered, then, that all this quickly evaporates from the child's memory, and from his years of study in school there remain only vague, unsystematic bits of information, but not the essential familiarity with the commandments and the moral teachings of the Talmudic sages? Responsible for all this is the foolish pride of the fathers, who desire that their children manifest their great keenness as quickly as possible, so that people might marvel at their acute minds which, when they are still very young, grasp the most difficult tosafot and sharpest hilluk and already understand ingeniously the secret of "making an elephant pass through the eye of a needle with pilpul." Indeed, the main point in learning in this generation is the honing of the mind with "the pilpul of vanity and chaos" that is called by us hilluk. It is literally scandalous to see how a rabbi, an aged man and a veteran of yeshivot, who is recognized and respected in the entire country, performs tricks, discloses tremendous "hiddushim," and pretends that such is the literal meaning of the Gemara, when he himself knows that all this is falsehood and vanity, that he merely dazzles his own and others' eyes. Has there ever in the world been such a delusion, that men should spend days and even years in absurd ingenuities which are pure falsehood - and all this for the sake of empty pride, to obtain a reputation as a clever man and an uprooter of mountains?²⁹¹

The most remarkable fact about these eloquent and incisive criticisms by leading members of the rabbinical elite is the fact that they do not seem to have made any impression at all on the Jewish public. The Maharal's remarks, for example, were uttered in a trial sermon he delivered as a candidate for the position of Chief Rabbi of Prague. The Prague electors did not vote for him. Instead they elected Maharal's antithesis, Isaac Hayyot, one of the foremost contemporary hillukists! A descendant of Jacob Pollak, Hayyot's work *Penei Yitzhak* extols pilpul and hilluk as the very highest form of Torah learning, reserved, to be sure, for those "who really know." Those who oppose pilpul, Hayyot indicates, usually do so because pilpul is beyond their intellectual abilities. They criticize what they are incapable of mastering.²⁹²

²⁹¹*Amudei Shesh* (Prague, 1617), Chapter 5, 6a.

²⁹²It is also true that Hayyot was a scion of a prominent Prague family, see Sherwin, 34. On Hayyot's work and his standing as a protagonist of pilpul, see Rapel, 102-104. Later in the seventeenth century, Maharal's great-grandson, Yair Hayim Bacharach, characterized Hayot's defense of pilpul, which included a paean of adoration of pilpulistic scholarship, as "a weird pseudophilosophical amalgam." See Bacharach's *Yair Netivim*, quoted in Rapel, 121. For an original, twentieth century defense of *pilpul*, see Louis Ginzberg, *Students, Scholars, and Saints* (Philadelphia, 1928), 64-7.

This remained the pattern for the seventeenth and much of the eighteenth centuries. Individual rabbis, sometimes leading members of the rabbinical elite, criticized the curriculum, the system of study, and the role of pilpul or hilluk, but their words had no effect. Men like Isaiah Horowitz and Yair Bacharach were very highly respected, their works attained near-canonical status, yet their suggestions for educational reform were disregarded.²⁹³

And yet, these criticisms did have some effect in moderating some of the more radical pilpulistic tendencies. Scholars have discerned a subtle but clear eighteenth century trend towards a more "rational" pilpul.²⁹⁴ This was a pilpul which operated on the same axioms concerning the inerrancy of the texts and the impossibility of contradiction between different texts, but whose results were more conformable to the words of the texts it analyzed. The methodological tools might remain the same, but the results seemed more sustainable. Three of the most famous pilpulistic works of the eighteenth century display these tendencies. In the introduction to his *Sha'agat Aryeh*, one of the most famous rabbinic works of the eighteenth century, Aryeh Leib Gunzburg (1695-1785) distinguished between the pilpulistic lectures he had delivered to students, which were shot through with brilliant but ultimately unsustainable insights, and the products of his personal studies and mature reflection, of whose correctness he was convinced.²⁹⁵ A similar statement was made by Jacob Joshua Falk in the introduction to his

²⁹³For Horowitz, see Eugene Newman, *Life and Teachings of Isaiah Horowitz* (London, 1972). For his role as an educational critic, see Assaf, *Mekorot* I, 65-7; Rapel, 107-108. Interestingly, Horowitz opposed hilluk but strongly defended pilpul. For Bacharach, see Twersky, "Law and Spirituality in the Seventeenth Century: A Case Study in R. Yair Hayim Bacharach," in I. Twersky and B. Cooperman (eds.), *Jewish Thought in the Seventeenth Century* (Harvard, 1987), 447-467.

²⁹⁴S.D. Munk, "Akdamut Millin" (Introduction to *Tzilah le-Seder Nezikin ve-Likutim* (Jerusalem, 1959) (no pagination).

²⁹⁵והנה כל מה שכתבתי מנעורי והיה רשום אצלי ממה שחדשתי על גפ"ת ופוסקים. כי זולת זה מה שפלפלתי לחדד את התלמידים או דרך דרוש, לא העליתי על ספר, כי את הכל ישא הרוח ואין זה אלא הבל ועות רוח. אף שנזהרתי בכל

Penei Yehoshua, another first-rank eighteenth century talmudic work.²⁹⁶ Finally, Ezekiel Landau's *Tzlah* is characterized by scholars as containing "good pilpul," that is, pilpulistic analyses whose conclusions are compatible with the text upon which they comment, as opposed to conclusions inorganically forced into the texts.²⁹⁷

Thus, Ezekiel Landau grew up and was educated at a time when the pilpulistic method of Talmud study dominated the intellectual world of Ashkenazic rabbinic culture, though there seems to have been a trend to increased intellectual rigor in its application among some of its more well-known practitioners. In any event, pilpul was not rejected or deprecated. On the contrary, pilpulistic ability was synonymous with clear-thinking! In his defense of Kabbalah written in the 1720s, the Livornese kabbalist Joseph Ergas asserts that anyone who is not a competent pilpulist cannot be a good kabbalist because his mind has not been trained in sound reasoning and clear thinking. After all, argued Ergas, the study of kabbalah requires pilpulistic analysis of the kabbalistic literature.²⁹⁸ Perhaps even more representative are the remarks of Isaac

מה דאפשר שיהיה עיקר הפלפול באמיתה של תורה, מכל מקום אי אפשר שלא יתערב בו דברים שאינן לאמיתה.

Introduction to the *Sha'agat Aryeh* (Frankfurt, 1756).

²⁹⁶ שמתו הדברים אל לבי שיהא עקר לימודי בדבר הלכה בסוגיית הש"ס ופוסקים ושלא להעלות בכתב שום דבר. From the introduction to the *Penei Yehoshua* (Amsterdam, 1739). On the significance of this work, which marks a turning point away from traditional pilpul, see N. Greenspan, *Melekheth Mahshevet* (London, 1956), 16; Yisrael Ta-Shema, "Seder Hadpasatam shel Hiddushei ha-Rishonim la-Talmud" [Chronology of the Publication of the *Hiddushim* of the Medieval Rabbis on the Talmud], *Kiryat Sefer* (1976), 326; E. Reiner, "Temurot bi-Yeshivot Polin ve-Ashkenaz Be-Me'ot ha-16 vaha-17 vaha-Vikuah al ha-Pilpul," 61.

²⁹⁷ Greenspan, 16; S.D. Munk, "Akdamut Millin"; Dimitrovsky, 180.

²⁹⁸ Joseph Ergas, *Shomer Emunim* (Jerusalem, 1965), *vikuah rishon*, 3, 25. Actually Ergas is re-echoing the remarks of the sixteenth century kabbalist Moses Cordovero of Safed, who argued similarly in his *Ohr Ne'erav* I: 6.

A remarkable, highly-original psychological variation of this theme was offered a century later by the famous Lithuanian rabbi Israel Salanter. He suggested that scholars, being human and subject to human weaknesses, have a natural psychological desire to display mental sharpness and creativity. Such a desire can color or cloud one's judgment, preventing him from seeing the logical or intellectual flaws in a particular line of thought. This can lead to flawed and

Wetzlar (1685-1751), an advocate of extensive reform of Jewish education. Wetzlar had been a student in a Prague yeshiva, a noted center of pilpulistic study, and he regarded his years there as a positive experience and his training in pilpul as useful and proper for yeshiva students, though not for *baalei batim*, students who leave the yeshiva to become lay members of the community. Such "householders" need a more practical course of study. The point is that Wetzlar viewed pilpul and hillukim as entirely appropriate modes of Talmud study.²⁹⁹

So did the parents of Ezekiel Landau. The second stage of Ezekiel Landau's education was marked by his introduction to pilpul. The Landaus were wealthy enough to hire a special private tutor in pilpul for the gifted young Ezekiel, who informs us in a rhymed introduction to his *Noda BiYhudah* that "my father secured for me a teacher [who taught me how] to become

therefore incorrect halakhic rulings and analyses of Talmudic matters, a disastrous phenomenon for the Torah scholar whose supreme goal is the discovery of the true meaning of the Torah. However, if one devotes part of his day to pilpulistic study, he can exercise his creative imagination in that area, leaving the remainder of his studies to unspectacular but solid reasoning. By dividing one's studies into the pilpulistic and non-pilpulistic, the scholar can channel his uncontrollable desire to display originality and intellectual brilliance to the pilpulistic part of his studies. In that area rigor is not demanded. Having gotten this need to shine in argument out of his system, the scholar can then devote himself to the non-pilpulistic study of Talmud and halakha, and the fact that his study will yield solid rather than brilliant results will not leave him disappointed. Such solid and unspectacular research is precisely what is appropriate for the rigorous study of halakha and Talmud, where the goal of the student is to arrive at the true meaning of the text, not to be original.

In his youth Salanter was a pilpulistic prodigy who delivered public pilpulistic lectures at the age of ten. Subsequently, he related, he became convinced that pilpul was not an appropriate method of study because it led to intellectual snobbery and incorrect research results. However, he came to realize that even though he had eschewed pilpul in favor of straightforward text study, the desire to shine, to display originality and creativity, remained and warped the objectivity of analysis necessary to arrive at the true meaning of the texts he was studying. This critical self-analysis - which became the hallmark of Salanter's school of philosophy - led him to a positive reappraisal of pilpul as providing a safe channel for the scholar's passions, leaving the remainder of his studies free for the rigorous logic necessary to arrive at the truth. See Yaakov Mark, *Gedolim fun Unzer Tzeit* (New York, 1927), 68; Immanuel Etkes, *Rabbi Israel Salanter and the Mussar Movement* (Philadelphia, 1993), 216-221.

²⁹⁹See Morris M. Faiersstein's translation and edition of Wetzlar's *Libes Brief* (Atlanta, 1996), 21, 98-99.

versatile at *harifut* ["sharp reasoning," i.e., pilpul]. I refer to my teacher, that very sharp and acute intellect, Rabbi Yitzhak Isaac Segal of Ludmir, with whom I studied from the ages of eleven to thirteen. [My father] supplied all of [my teacher's] necessities, and showered him with many presents to boot. My sainted mother also supported this endeavor."³⁰⁰

Thus, during the years 1724-26, Ezekiel Landau was initiated into the techniques of pilpul and *hilluk*, and the foundations were laid for a career as one of the great pilpulistic teachers of the eighteenth century. In addition to his career as a communal rabbi and legal authority, Landau would be so highly regarded as a teacher of Talmud that his yeshiva would become one of the largest in Europe, attracting students from all over Central and Eastern Europe. These students would flock to him to hear the Talmud taught pilpulistically, and the published records of his lectures indicate that his classes included "Augsburgers," "Regensburgers," *hillukim*, and the other tools of pilpulistic analysis.³⁰¹ Landau clearly enjoyed a reputation as a pilpulist whose techniques produced genuine as opposed to forced insights into the meaning of the Talmudic text. Indeed, Landau's son Samuel would decades later argue that

ואלי רב חיבר בחריפות מאוד להתגבר הוא מורי החריף והשנון מאוד מו"ה יצחק אייזק מלאדמיר, למדתי אצלו ³⁰⁰ מהיותי בר חסר עד היותי בר תליסר, וצרכי הרב הספיק ומתנות רבות העניק. גם אמי החסודה...בזה החזיקה ידה.

³⁰¹For a full discussion of the specific pilpulistic techniques that appear in Landau's published Talmud notes under the title *Tziyun le-Nefesh Haya* or *Tzlah* for short, see Samuel David Munk's *Akdamut Millin*, an introductory essay at the beginning of the *Tzlah* to *Seder Nezikin* (Jerusalem, 1959). See also Dimitrovsky, 176-181.

Tzlah was published over the course of a century-and-a-half. Landau himself and his son published *Tzlah* to tractates Pesahim in 1783, *Berakhot* in 1791, and *Beitzah* in 1799. These three tractates are the most thoroughly explicated, and clearly reflect Landau's personal style and approach. The next volume did not appear until 1879 and was edited and published by Wolf Landau of Warsaw, a great-grandson of Ezekiel Landau. This volume was published from Ezekiel Landau's autograph manuscript as well as from the lecture notes of his students. Thus, this volume, as well two other volumes published in Warsaw in 1891 and in Jerusalem in 1959, are a less reliable reflection of Landau's lectures. The most recent edition of *Tzlah* (Jerusalem, 1995), utilized more than two hundred sets of students' notes, which gives an inkling of how widely attended Landau's lectures were. In addition, a set of notes of Landau's lectures on

his father's pilpuls were merely an artistic or brilliant manner of presentation of rather straightforward text-analysis.³⁰² Of his studies with his tutor, one piece survives. It appears in a sermon delivered by Landau in the 1740s. More than twenty years after his studies with his tutor, Ezekiel Landau was serving as communal rabbi of Yampol in Volhynia and was preparing a *drasha*, a pilpulistic exposition that served as the heart of the two sermons any eighteenth century communal rabbi was expected to deliver twice a year.³⁰³ The manuscript of this sermon is unfinished though quite long, ten double-columned pages. It is a pilpulistic *drasha*, a learned exposition which seeks to discover a logical or organic connection between a set of seemingly unconnected statements listed in a mishna in tractate *Eduyot*.³⁰⁴ This is typical of Landau's style of pilpulistic *drasha*.³⁰⁵ Well into the course of this *drasha*, Landau raised a problem with the wording of the commentary of Rashi to tractate *Pesachim* 5b. Rashi is explaining a statement in the Gemara, but he does so in what appears to be a convoluted and slight prolix fashion, quite the opposite of his usual direct and highly economical style. In Landau's words, this uncharacteristic piece causes the reader "to stand there in shock and trembling."³⁰⁶

tractate *Beitzah* by an unknown student was in Jerusalem in 1997 under the title *Kovetz Aharonim al Masechet Beitzah mi-Kitvei Yad*.

³⁰²Samuel Landau, Introduction to *Doresh le-Tziyon* (Prague, 1827).

³⁰³For a full discussion of the communal rabbi as preacher and sermonizer, particularly the two formal sermons that were part of his job, see the fourth chapter of this dissertation.

These sermons, lengthy learned pilpulistic speeches, were delivered by Landau in Yampol over the years 1745-55. They were collected by Landau and eventually edited and published by his son in 1827. The sermon referred to here was for some reason not published but remained in manuscript for over a century. This manuscript was eventually published in 1959 as part of an edition of previously unpublished and incomplete pieces by Landau entitled *Tzlah le-Seder Nezikin ve-Likutim*.

³⁰⁴*Eduyot* 4:1.

³⁰⁵See the fourth chapter of this dissertation.

³⁰⁶הנה כל העובר יעמוד מרעיד ומשתומם על דברי רש"י.

In grappling with this unusual Rashi passage, Landau recalled that two decades earlier his tutor had solved the problem in an ingenious and thoughtful fashion.³⁰⁷ Rabbi Isaac Shor Segal had pointed out that the Tosafists elsewhere in the tractate had called attention to the fact that the passage Rashi was explicating contradicted another statement in the Gemara, involving the definition of the Biblical verb *tashbitu* (תשביתו). This word, which appears in *Exodus* 12:15, is in one place in the Gemara translated as *you shall eliminate*, while in another place, the passage Rashi explicates, is translated as *you shall burn*, a narrower term. Although Rashi lived before the Tosafists, it was taken for granted that he must have been aware of this contradiction, so the fact that Rashi seemed not to notice it was troubling. A famous seventeenth century rabbi, Joshua ben Joseph of Cracow (d. 1648), who published a work devoted to defending Rashi against the criticisms of the Tosafists, which obviously assumes that the eleventh century Rashi was aware of the criticisms that the Tosafists would raise against his commentary in the twelfth century, argued that there was no contradiction between the two definitions. Although Rashi had defined *tashbitu* as burning, he had not meant *only* burning. Rather, burning was simply one form of elimination. So when in one place *tashbitu* was defined as elimination and in the other place as burning, there was no contradiction.

This interpretation had bothered Ezekiel's tutor. If it were true, then Rashi's commentary was inexact, for there was an alternative way of explaining the Gemara passage and Rashi had not mentioned it. This was impossible! Then Rabbi Segal rethought matters and realized that the proposed alternative explanation contained a logical flaw, one which became evident upon careful reflection. So it turned out that Rashi had been correct in not proffering the alternative explanation. Moreover, a close reading of Rashi indicated that Rashi had indeed considered the

³⁰⁷In this sermon the tutor is referred to as Rabbi Isaac Shor Segal.

alternative, properly rejected it, and so framed his comment as to reflect the objection. Thus Rashi was not merely vindicated, he was once again shown to have written his commentary with his legendary precision and economy.

Savoring the memory of this incident more than two decades later, Ezekiel Landau applied to this interpretation of his tutor the words of *Ecclesiastes* (10:12): "A wise man's talk brings him favor!" Landau went on to recall that he, too, all of twelve or thirteen years old, had offered his own solution to this problematic Rashi passage, and now, twenty years later, a new solution occurred to him.³⁰⁸

This is the only record we have concerning the second stage of Ezekiel Landau's education, his private education with his tutor, but it is enough to indicate that he was introduced to the close reading, the search for contradictions and redundancies, the abstract thinking and critiquing, and above all the intellectual zest, which characterized the pilpulistic manner of the study of the Talmud and its commentaries. It was a period in his life to which the mature Rabbi Landau of Yampol would point to with fondness and pride, and the intellectual issues which preoccupied him in those young years continued to do so decades afterward.

School Days and Jewish Politics

"He raised me in the Torah. He imposed heavy burdens on me, and he did not permit me to go to [play in] gardens and playgrounds." That is how Ezekiel Landau described his

upbringing, how he remembered it, at least how he chose to have it remembered. In the same passage, he described his father, Yehudah, as "a very great rabbi, in whose person were combined Torah and worldly [i.e., economic and social] greatness. Everyone had recourse to his goodness and acknowledged his eminence. His renown spread throughout the provinces..."³⁰⁹ There was obviously, more to his childhood than this brief description implies. There was also good reason not to bring it up.

The birth of Ezekiel Landau took place at a time of excitement and turmoil for the Landaus: Naftali Landau's wedding to the daughter of Hakham Tzvi, followed by the conflagration which destroyed Opatow, followed by the incident which resulted in the hanging of the two Jews on the evidence given by the patriarch of the Landau family, a scandal which led to the break with Hakham Tzvi. During all this time, indeed, for the entire first half of the eighteenth century, Landaus held the position of *rosh* in the Opatow kehilah.³¹⁰ This eminence did not go unchallenged; indeed it was greatly resented. In order to understand the controversy, let us examine the structure of the eighteenth century Polish kehilah.

The Polish *kahal* or *kehilah* (both terms denote the organized official Jewish community) was modeled on the contemporary Polish non-Jewish municipal government, which consisted of an elected assembly; a small group of magistrates; and a small group of executives called consuls, who served as mayor in monthly rotation. Similarly, the government of a Jewish community consisted of an assembly, called the *kahal*, and a small number of executives, called *roshim* or *tovim*, "heads" and "good men." The office of mayor rotated among these executives

ודברי פי חכם חן. וזה לי יותר מעשרים שנה ששמעתי דבר זה ממורי ז"ל. וגם אני אמרתי אז דרך דרוש על דברי 308
Tzlah le-Seder Nezikin, 209. רש"י הלל, ועכשיו נראה לי ביאור חדש על דברי רש"י

אדוני אבי הרב, מאוד גדול ורב, תורה וגדולה כאחד, אצלו נצמדו יחד, והכל לטובתו הוצרכו, והכירו גודל ערכו, 309
ושמו יצא במדינות, ויהללוהו שפתי רננות. From Landau's introduction to the *Noda BiYhudah*.

³¹⁰Hundert, *Opatow*, 86.

every month; hence the designation of *parnas ha-hodesh*, "leader of the month." Elections in both communities took place every spring. The franchise was restricted in both communities to the wealthy, so both communities were ruled by local oligarchies.³¹¹

The imitation of Polish forms of government extended beyond the level of municipal government. The Polish system of *sejmiki*, local dietines, consisting of delegates to sub-provincial and provincial assemblies, was copied by the Jews in their various *vaadei ha-artez*, or provincial assemblies. The Polish national *Sejm*, consisting of delegates sent by the *sejmiki*, had its Jewish counterpart in the Council of the Four Lands, the *Vaad Arba Aratzot*. The Council ordinarily met twice a year - in Lublin in February, and in Jaroslaw in August - to consider matters of interest to the Jews of Poland and to apportion the Jewish capitation tax after negotiating the sum with the Polish government.³¹²

The death of the Landau family patriarch, Tzvi Hirsch, when Ezekiel was two years old, did not end the local preeminence of the Landaus. In every Jewish election in Opatow in the first half of the eighteenth century, one member of the Landau family or another was chosen as one of the *roshim*. Although the records are incomplete, it seems that every group of delegates chosen annually by the *kahal* in those years to represent Opatow in the provincial *vaad* and in the Council of the Four Lands included at least one Landau. Ezekiel's father was especially prominent as a delegate during the years 1719-30. The family was clearly a major force, possibly, *the* major force, in local politics.³¹³

³¹¹Gershon Hundert, "On the Jewish Community in Poland During the Seventeenth Century: Some Comparative Perspectives," REJ 142 (1983): 351-353; Israel Halpern, *Beit Yisrael be-Folin I* (Tel-Aviv, 1948), 46-48.

³¹²Hundert, "Jewish Community," 353.

³¹³Hundert, *Opatow*, 120.

In 1714, members of the Jewish community of Opatow complained that *kahal* elections were being rigged by one Icko Chaimowitz, who had, moreover, served for three consecutive years as an elder, in violation of *kahal* rules. Two decades later, Icko's son would charge Yehudah Landau with the same and similar offenses. Such charges and countercharges indicate the constant tension between the powerful families, who used their position to further their own interests, and the rest of the community, who viewed such activities as an abuse of privilege for which they, the public, would ultimately have to pay. Power was supposed to be accompanied by responsibility, in this case, responsibility to use their power for the public good, for the benefit of the Jews of Opatow. Public perception of failure to act with such responsibility led to much ill-feeling against the powerful families and officeholders.³¹⁴

Documentary information concerning the Landaus after the death of the family patriarch dates from 1719, when Ezekiel was still a young boy. His uncle Yitzchak had been a rabbi in nearby Tarlow before that year and became Rabbi of Opatow in February, 1719.³¹⁵ We know that before 1729, Yitzhak left Opatow and had become rabbi of Zolkiev. He signed a *haskamah*, a rabbinical written approbation of a book published that year in Zolkiev, and the *haskamah* clearly designates Yitzhak as the local rabbi.³¹⁶

Yitzhak's term as rabbi of Opatow was not uncomplicated. In fact, it was a time of much strife between the Landau family and the rest of the community, and, interestingly, between the Landau brothers themselves. One source of information concerning this strife is Jacob Emden. In the midst of the Eibeschutz controversy in the 1750s, Jacob Emden was defending himself

³¹⁴Ibid., 139, 202.

³¹⁵Hundert, *Opatow*, 120, based on Polish archival documentation, says that Yitzhak "held rabbinical positions in Tarlow and Opatow in the years 1719-24.. In his work on the Landaus, Friedberg, 14, citing *Daat Kedoshim*, 111, writes that Yitzhak became rabbi of Opatow on 19 Shevat, 5478 (February, 1719).

against the attacks of Eibeschutz's allies in Poland.³¹⁷ A leading member of the pro-Eibeschutz camp was Yitzhak Landau, at that time rabbi of Cracow, the most prestigious rabbinate in Poland. These Polish rabbis charged Emden with being a quarrelsome fomenter of discord whose charges against Eibeschutz were not to be taken seriously. Emden counterattacked and charged the Polish allies of Eibeschutz with hypocrisy. It was they, not he, who were the quarrelsome troublemakers. In this context he charged that Yitzhak Landau, whom he acknowledged (in the sarcastic invective at which he was a master) as a prominent and influential rabbi, was particularly notorious as a contentious person who fomented discord wherever he had served as rabbi. Having made the charge, Emden proceeded to back it up by a quick, devastating, review of Yitzhak's career. Back in the 1720s, Emden charged, Yitzhak had acquired the rabbinate of Opatow by bribing the town owner with "a pile of coins."³¹⁸ Yitzhak's brother Yehudah, Emden charged, challenged Yitzhak's rights in the non-Jewish courts. The litigation, according to Emden, proved to be ruinously expensive. Emden cryptically remarks that it was from this money that "an idolatrous shrine was built, a shrine that bears the name of this Korah [i.e., Yitzhak Landau] to this day."³¹⁹

The "idolatrous shrine" is clearly a reference to a *kloiz*, which from Emden's description seems to have been a kind of private, non-communal synagogue, the institutional characteristics

³¹⁶Hundert, 197; Friedberg, 14.

³¹⁷For a description of this controversy, see the fifth chapter of this dissertation.

³¹⁸ בהיותו רב בק"ק אפטא על ידי תרקבא דדינרי דעייל להשררה, from Jacob Emden's *Shevirat Luhot ha-Aven* (Altona, 1759), 50a. Josef Lubomirski was the lord of Opatow in 1719. He died the following year and was succeeded by his daughter Marianna and her husband, Pawel Karol Sanguszko (Hundert, *Opatow*, 134).

³¹⁹ומממון זה נבנית במה ויקרא שמה במה של זה הקרח הנורא עד היום הזה (Ibid.). Hundert read the text differently, and in my opinion, erroneously. Hundert maintains that it was Yehudah who bribed his way into the rabbinate and that it was Yitzhak who challenged him. Friedberg clearly indicates that it was the other way around. Friedberg's reading is not only sounder, but logical.

of which will be discussed at length presently.³²⁰ The existence of this *kloiz* is confirmed in a Polish document from 1728, an edict from the town owner, Pawel Sanguszko, limiting the number of people permitted to attend services there. According to the document, the Landau *kloiz* was a room in Yitzhak's house which had been furnished as a synagogue and a *beit midrash*, or study hall.³²¹ If Emden's version of events is correct, there can be no doubt that the edict was solicited by the *kahal*. The *kahal* of Opatow, like every other *kahal* in the pre-Hasidic era, jealously sought to restrict the proliferation of private synagogues and to confine public prayer to the one or two official communal synagogues. Indeed, a prominent charge leveled against the hasidim later in the eighteenth century was that they arrogated to themselves the right to establish their own private synagogues.³²² The *kahal* historically sought to concentrate prayer in official synagogues for reasons of financial efficiency. If the Jews of a town had one synagogue, then the private donations and bequests which were customarily made for religious or ritual honors, such as being called up to recite the blessing at the Reading of the Torah, or as charitable endowments, would accrue to a single synagogue. Such a concentration of funds obviously helped maintain the upkeep of the synagogue, which, as a communal institution, was a responsibility of the *kahal*.

In addition to such blatant economic considerations, there were equally real considerations of social prestige. The fewer the number of synagogues, the fewer the number of available public honors in the community, which enhanced the value of those honors. It is not

After all, it was Yitzhak, not Yehudah, who was the Rabbi of Opatow, as indicated by the Polish sources Hundert himself cites!

³²⁰The Hebrew term is *bamah*, literally, "high place." The term is used in the Bible and in rabbinical literature in a number of contexts. Here, it is clearly a pejorative term, referring to an idolatrous shrine.

³²¹Akty Sanguszky 12/16 (cited in Hundert, *Opatow*, 199, note 53).

surprising, therefore, that the *kahal* traditionally sought to restrict the number of synagogues in its jurisdiction.³²³ The granting of the privilege to maintain a private prayer house was considered a mark of unusual favor and honor, a great concession on the *kahal's* part, and was granted only rarely, usually to a great scholar or to a wealthy benefactor.³²⁴

If Pawel Sanguszko was moved to restrict the number of Jews permitted to pray at the Landau *kloiz*, it may be assumed that the *kahal* of Opatow was the group that initiated this restriction. Ironically, decades later, as Chief Rabbi of Prague, Ezekiel Landau would be moved again and again to decry the proliferation of private synagogues and to sermonize passionately

³²²Mordechai Wilensky, *Hasidim u-Mitnagedim* I (Hasidim and their Opponents] (Jerusalem, 1970), 40-41.

³²³For contemporary examples of such prohibitions, see Baron, *The Jewish Community* (Philadelphia, 1945) III, 144.

³²⁴A private synagogue had been a special privilege of Ashkenazic communal rabbis in the late Middle Ages, a symbol of the fact that the rabbi also served as a *rosh yeshiva*, head of the local talmud school. The yeshiva students, close disciples of the master, were expected to eat and certainly to pray with him, whereas the *baalei batim*, the "burgers" or lay members of the community, were not expected to enjoy such intimate contact with their spiritual leader. The custom was for the rabbi to pray in his own private synagogue with his students during the week, and to attend services in the communal synagogue on Sabbaths, festivals, and special occasions. For all this see Guedemann III, 35. On rabbis living in a separate house with their students, see Ginzberg, *Students, Scholars, and Saints*, 74-5. The halakhic propriety of a communal ban on private synagogues was discussed in medieval responsa, the most famous being the fourteenth century responsa of *Rivash* (Isaac ben Sheshet of Saragossa), nos. 253 and 331. In his memoirs, Jacob Emden records with pride the privilege he was granted by the communal authorities of Altona to maintain a private synagogue even though he was not the community's rabbi. Perhaps it was for this reason that the halakhic propriety of such synagogues was the subject of a responsum of Altona's chief rabbi, Ezekiel Katzenellenbogen, see his *Knesset Yehezkel* (Altona, 1732), end of responsum no. 9 [In her biography of Moses Hagiz, Elisheva Carlebach mistakenly cited (p. 319, note 14) Jacob Reischer's responsa *Shevut Yaakov* no. 9 as the source.] This responsum was most likely connected with the 1715 Hamburg communal amendment suppressing all communal houses of worship except those maintained by scholars of rank, see Baron, op. cit. Katzenellenbogen ruled that the *kahal* does not have the right to limit the number of houses of worship. See also the remarks of I. Wolfsberg in his essay on Hamburg in *Arim ve-Imahot be-Yisrael* II (Jerusalem, 1948), 26.

For one complaint against private prayer groups in eighteenth century Poland, see M. Piekarz, *Bi-mei Zemihat ha-Hasidut* (Jerusalem, 1978), 225.

on the evils of such prayer groups and on the negative impact they had on the official communal synagogues!³²⁵

The two sources, Emden and Sanguszko, agree that Yitzhak Landau was the town rabbi and that he also had a *kloiz*, a private synagogue, which was the cause of some strife. Emden also noted that Yitzhak's brother Yehudah challenged his older brother's right to the rabbinate (or, to put it more accurately, to the *privileges* of the rabbinate, אדנות הרבנות), after the latter had secured the town owner's confirmation of his election by paying him a "pile of coins." Emden described an incident that occurred which led to the quarrel between the two brothers. On the festival of *sukkot*, there is a synagogue ritual in which the congregants march in procession around the *bimah*, the lectern from which the Torah is read, holding the *lulav* and the *etrog*, the citron and the palm branch, the traditional ritual objects of *sukkot*. Such rituals were not only religious moments, but occasions for the display of status. Leadership of the procession, the place of the individual congregants within the procession, all these served as indicators of one's standing in the community, a rather precise reflection of one's exact position in a community with a definite social hierarchy.³²⁶ Pride of place, leadership of the procession, was the traditional prerogative of the rabbi; it was one of the privileges of the office. According to Emden, Yitzhak Landau, elected and confirmed as rabbi of Opatow, sought to take his place at the head of the *sukkot* procession. He was challenged by Yehudah, on what basis Emden does not make clear. All he says is that the quarrel over the leadership of the procession led to a controversy which ended up in the non-Jewish court and proved to be very expensive. As mentioned previously, Emden's remarks here are somewhat cryptic, and all we can deduce from them is that by the time the dust

³²⁵*Derushei ha-Tzlah* 7b; 13c; 33ab; 36d; 38b; 47d; 48b.

³²⁶See the remarks of Hundert, *Opatow*, 116.

settled, another, private, synagogue had been built, a synagogue that was called Landau's synagogue or, more accurately, Landau's *kloiz*.³²⁷

If Emden is correct - and his account is plausible, especially when viewed in conjunction with Sanguszko's edict cited above - then it seems that the creation of a new synagogue headed by Yitzhak was a solution to the fraternal quarrel. In two synagogues, there were two processions, one for each brother. The demands of honor, the desire for social recognition, were satisfied.

What does this story tell us about the Landau family during this first decade of Ezekiel's life? It seems to indicate the tension that arose after the death of the patriarch, Tzvi Hirsch. The latter had been the town's leading citizen, its dominant personality. His two sons sought to inherit the father's preeminence, but the father had concentrated power in his own hands, and the sons inevitably encountered difficulties in sorting out and apportioning the various elements of such an intangible thing as power. Yitzhak chose one road: he secured the Opatow rabbinate, formally the most important and prestigious position in the community. Yehudah, as far as we know, did not choose this road, as a close reading of Emden indicates. Emden does not say that Yehudah was a candidate for the post who lost to Yitzhak. What Emden says is that Yehudah would not concede to his brother the preeminence of the rabbinate, that is he would not acquiesce in Yitzhak's exercise of his official position to display his "mastery" or preeminence over Yehudah (אחיו לא הודה לו באדנות הרבנות). In the same year that Yitzhak had been elected rabbi, Yehudah had been elected to succeed his father as elder of the *galil* of Cracow-Sandomierz, a prestigious post in its own right.³²⁸ Opatow was, after all, the capital of one of the seven sub-districts of the *galil*. Yehudah began to play an important part in the *Vaad Arba Aratzot*, that is, in national Jewish

³²⁷Emden, *Shevirat Luhot ha-Aven* (Altona, 1759), 50a.

affairs.³²⁹ It is not altogether surprising, then, that Yehudah considered himself equal in status to his brother, even if the latter held the formal title of rabbi. The creation of a second synagogue afforded each brother the opportunity to assert primacy without directly clashing with the other brother.

If the brothers quarreled over primacy in Opatow, it does not mean that the citizens of the town were prepared to be dominated by either brother. Throughout the 1720s and afterwards, there were numerous and bitter disputes between the Jews of Opatow and the Landaus. The Polish archives chronicle these disputes. In 1722 the town owner's comptroller for the *kahal*, whose job it was to supervise the financial affairs of the *kahal* on behalf of Pawel Sanguszko, complained bitterly to Sanguszko that Yitzhak and Yehudah Landau were quite influential and heavily involved in the *kahal*'s financial affairs but refused to provide him with any information. Yehudah was negotiating loans for the *kahal* and disbursing its funds without any accountability whatsoever. The brothers not only kept him, the comptroller, in the dark as to the true state of the community's finances, they also insulted and dishonored him. In addition, the brothers violated the communal statute forbidding anyone from holding office in the *kahal* for two years in succession. Yitzhak Landau, the comptroller charged, kept his people in office year after year.³³⁰

Another petition is recorded in the archives of that year, defending the practice of retaining the same personnel in office for extended periods of time on the grounds of their experience. It argued that the *kahal* required persons with experience, people who knew how to negotiate with the *kahal*'s creditors, and who knew how to defend the interests of Opatow at the *galil* level, especially in negotiations over the apportionment of taxes. This petition was

³²⁸ Halpern, 287.

³²⁹ Ibid.

³³⁰ Hundert, *Opatow*, 124.

obviously inspired by the Landaus. It noted, revealingly, that "certain communal elders" had been slandered and insulted of late, that Jews had used foul language in calumniating them.³³¹

The archives reveal other quarrels: In 1726, Yehudah claimed that it was his right as *galil* elder to attend meetings of the *kahal* year after year. This claim to special privilege was vigorously disputed by the *kahal*. The quarrel lasted two years. A year later, in 1727, Yitzhak complained to Sanguszko that he had been libeled in the *kahal* minute books. He did not explain how. The same year, the archives reveal, some *arrendators*, Jews who had purchased local monopolies or contracts, roughed-up the employees in one of Yitzhak's textile shops, and a certain Herszl insulted Yitzhak personally.³³²

In the *kahal* elections of the following year, 1728, an organized attempt was made to oust the Landaus and their followers from communal affairs. The Landau party was excluded from the election proceedings. In order to ensure their defeat, the *kahal* authorities took the extreme step of broadening the franchise, indicating the unpopularity of the Landaus in the general community.³³³

The upshot of the election was that the Landaus were displaced from power, and within a short time Yitzhak was no longer the rabbi. Yitzhak challenged the elections and claimed that he still retained his immunity from communal taxation, a privilege that was part of the rabbinate. The *kahal* challenged this claim. The quarrel ended up in Sanguszko's lap. He directed his officials to investigate and furnish him with an official report of the tangled situation in the Jewish community. The six-page report, issued on April 13, 1728, declared that the elections had indeed been "irregular," and called for new elections in which those recently excluded would

³³¹Ibid.

³³²Ibid., 125.

³³³Ibid.

now be included. The *rosh* and the four judges nominated by Yitzhak to remain in office were to be accepted. As for Yitzhak himself, his claims of exemption from taxes was rejected, but the *kahal* was strictly forbidden to interfere in his business dealings, and the "slandorous statements" entered into the communal note book were not to be copied or circulated. The entire matter of the assault on his employees was to be forgotten.³³⁴

As for Yehudah Landau, the report rejected his claim to attend meetings of the *kahal* year after year; his privileges as *galil* elder did not include such a right. Moreover, another document survives, from Sanguszko himself, warning Yehudah not to interfere in *kahal* affairs, even indirectly, that is, by securing the election of his relatives to office and manipulating them as straw men.³³⁵

The record of quarrels between the Landaus and the *kahal* reveal, as Gershon Hundert, who studied the Sanguszko archives, noted: "The most common motif in Sanguszko's instructions regarding the *kahal* was that there be no nepotism; that is, to transfer offices within families...No doubt, these demands reflect the tensions generated by the special position of the Landau family in the community."³³⁶

In light of this archival documentation, Ezekiel Landau's encomium of his father ["a very great rabbi, in whose person were combined Torah and worldly [i.e. economic and social] greatness. Everyone had recourse to his goodness and acknowledged his eminence".] needs to be read very closely because, it seems, Ezekiel chose his words very carefully. What he actually stated seems to have been true. What his description *implies*, namely, that Yehudah was a beloved and popular public benefactor, is an evaluation that would have been challenged by at

³³⁴Ibid., 125-126.

³³⁵Ibid., 126. See also Hundert, "The Decline of Deference in the Jewish Communities of the Polish-Lithuanian Commonwealth" (Hebrew) in *Bar-Ilan* XXIV-XXV (Ramat Gan, 1989), 46.

least some of the Jews of Opatow. Tensions between Yehudah and his fellow townsmen would increase, not decrease, in the 1730s.

Kloizen

The archival and literary sources cited so far leave an unnuanced impression of a selfish oligarchical family constantly quarreling with all and sundry - and with each other - in squalid attempts to assert their petty tyranny. Emden, for example, leaves the impression that the establishment of the Opatow *kloiz* was nothing more than the setting-up of another private synagogue, another silly monument to wounded vanity. However, recent research provides a different perspective, a more nuanced, historically contextualized, evaluation of at least *this* particular event. One student of the phenomenon of the institution known as the *kloiz*, Elhanan Reiner, argues that the establishment of the local *kloiz* was part of a national - which in the Jewish context meant throughout Ashkenazic Jewry in Poland and Central Europe - educational movement, one that would play an important role in Ezekiel Landau's development and career.³³⁷

A *kloiz* was a particular kind of *beit midrash*. It was an advanced institution for Talmudic and rabbinic studies, established and maintained by a specific educational endowment. In fact, it

³³⁶Hundert, *Opatow*, 136.

³³⁷Elhanan Reiner, ה"ז-ה"ח, ח הון מעמד חברתי ותלמוד תורה: הקלויז בחברה היהודית במזרח אירופה במאות ה"ז-ה"ח, ח ["Wealth, Social Position, and the Study of Torah: The Status of the *Kloiz* in Eastern European Jewish Society in the Early Modern Period,"] *Zion* LVIII (1993), 286-328.

was an early version of the modern *kolel*.³³⁸ A sum of money was donated to generate income to award scholarships and stipends to advanced, married students of talmudic and rabbinic literature. The *kloiz* was emphatically *not* a communal institution; it was not supported by communal funds but by private benefactors who set up the educational endowment trust and the terms of its operation in whatever manner they deemed fit. As is always the case with such bequests, the donors were wealthy Maecenases, and the *kloiz* was often called by the name of the person who established the endowment: "Bluma's *Kloiz*" in Minsk, "Reb Maila's *Kloiz*" in Vilna, "The Landau *Kloiz*" in Opatow, etc. Reiner, who has studied the phenomenon of the *kloiz* in detail, notes that the founders were almost invariably "members of families distinguished by wealth, learning, and social position, the Jewish counterparts of the [Christian] urban patriciate. Very often, the founding family was the family that dominated local Jewish affairs. The endowment of a *kloiz* was often a family, rather than an individual, initiative."³³⁹

Although the *kloiz* was not funded or controlled by the *kahal*, it was viewed in a positive light by the *kahal* and indeed by the Jews of the community in general. The founding of a *kloiz* was viewed as an act of piety; after all, the purpose of the *kloiz* was to pay scholars to study "the Torah," and such study was viewed as the most meritorious of acts. Indeed, one reason for founding a *kloiz* was the hope that some of the prestige associated with the study of the Torah would rub off on the founder, even if the founder himself (or herself) was not a scholar. In that society, everyone wanted to be associated in one way or another with the sacred act of Torah study.³⁴⁰

³³⁸On the twentieth century phenomenon of the *kolel*, see Herbert W. Bomzer, *The Kolel in America* (New York, 1985); William B. Helmreich, *The World of the Yeshiva* (New York, 1982), 257-265.

³³⁹Reiner, 308.

³⁴⁰*Ibid.*

To be sure, founders took care to ensure that their own interests and the interests of their families were safeguarded. The position of "Head of the *Kloiz*" (אב"ד הקלויז) was usually reserved for the founder, his relatives, and/or their descendants. The position was a prestigious one, and in a number of communities, the "Head of the *Kloiz*" served as a kind of second chief rabbi, and everywhere as the (at least) titular head of the community of scholars of the *kloiz*.³⁴¹

This community constituted an elite within an elite. The entire group of local scholars in a town constituted the learned elite of the traditional community. This group was collectively referred to as "the *lomdim*," the learners.³⁴² But that group included various levels of scholarship. Such scholars had usually acquired some training in a yeshiva, but for most students a yeshiva education represented a kind of intermediate or secondary level of education. The student learned and mastered amounts of Talmudic material. He learned to "think talmudically," to view the texts in a certain light, to ask of the texts certain types of questions and to give certain types of answers. However, mastery of the entire Talmud, or even most of it, including its vast commentary and legal literature, was not really possible in the five or six years, or even seven or eight, a young man in his teens and early twenties spent in a yeshiva. Mastery of vast amounts of material, especially in-depth knowledge, required post-yeshiva study. When one left the yeshiva, he continued his education, if he chose to do so, in one of two institutions, a *beit midrash* or a *kloiz*.

The *beit hamidrash* was a local institution which existed in a community of any size. It was a room provided with benches, tables and books. Quality and quantity of this furniture and equipment varied greatly. Some *batei midrash* were large and handsome, well-appointed and well-stocked; others were squalid. Every community had at least one or two *batei midrash*; many

³⁴¹Ibid., 310-12.

had dozens. The *beit midrash* was open to the public; indeed, the (male) public was expected to visit the *beit midrash* and to do their learning there. In other words, the *beit midrash* was generally the designated site for the study of "Torah." The more time one spent in the *beit midrash*, the more serious the scholar and the more pious the man. In contrast to the yeshiva, which was *in* the community but not *of* the community since most yeshiva students were not residents of the community, the *beit midrash* existed for the use of the community; it was the communal scholarship institution *par excellence*.³⁴³

If the *beit midrash* was the site of public learning, it was *not* a school, a yeshiva. There was no official schedule of studies, no curriculum, no rules of any kind, no system. One could study whatever one chose, for as long or as little as one desired. One could study by himself or with others. It goes without saying that there were no examinations or requirements of any kind. What serious study and scholarship there was in the *beit midrash* was the result of self-motivation. As an institution, the *beit midrash* served purely as a site for Torah study. As such, it was the important site of whatever local scholarship existed. Since that is where the scholars studied, that is where the scholarship was. Naturally, the *beit midrash* was also the site of much inferior scholarship as well as good old-fashioned socializing. At one table, a group of senior scholars might be holding a sophisticated and complex discussion of some Talmudic or halakhic subject, while at the next table, a couple of friends might be sitting around, books open, conversing on any and all subjects. Many famous rabbinical scholars were products of the *beit hamidrash*, where, self-motivated, they designed and completed an ambitious course of study. The majority did not do so; they merely studied a series of texts, usually Talmudic tractates, in

³⁴²Ibid., 299-300.

³⁴³On the difference between the *beit midrash* and the *kloiz* generally, see *ibid.*, 302-5.

no particular order and without any particular plan, and they never attained any great level of scholarship.³⁴⁴

It was out of this informal world of study that the *kloiz* emerged. Apparently the complete lack of system and accountability did not seem designed to produce truly high-quality scholarship. A different framework was needed, and what evolved was the *kloiz*.

The *kloiz* was a relatively small group of scholars, between ten and twenty in number, who were granted the financial support necessary to enable them to devote themselves to full-time serious study.³⁴⁵ Indeed, the term "full-time" was taken quite literally. The *kloiz* was designed as a quasi-monastic society. The members of the *kloiz*, all married, were expected to live at the *kloiz* apart from their wives and families for six days of the week, going home only for the Sabbath. They were to eat and sleep in the *kloiz*, and the hours of sleep were strictly regulated, often amounting to a few hours a night.³⁴⁶ In this respect the *kloiz* followed the medieval example as laid out in such classical texts as *Sefer Hukkei ha-Torah* and *Tashbetz*.³⁴⁷ Indeed, one recent medievalist has noted the similarity to contemporary Christian monasticism, and suggests that "it is possible that *Sefer Hukkei HaTorah* represents an attempt to

³⁴⁴Interestingly, although in the nineteenth century Lithuanian and White Russian *Mitnagdim* (opponents of Hasidism) created a network of advanced yeshivot, which to one degree or another supplanted the local *batei midrash* as the site of sophisticated Talmud study, the Hasidim of Poland maintained the *beit midrash* in its original form into the twentieth century, consciously refraining from establishing yeshivot until the early twentieth century. For suggested explanations of this phenomenon, see Aaron Wertheimer, *Law and Custom in Hasidism* (New York, 1992), 68-73; Michael K. Silber, "'There Are No Yeshivot in Our Land for Several Good Reasons': Anatomy of an Anti-Hasidic Controversy in Hungary," Immanuel Etkes, David Assaf, Israel Bartal, and Elhanan Reiner (eds.), *Be-Ma'aglei Hasidim* [Within Hasidic Circles: Studies in Hasidism in Memory of Mordecai Wilensky] (Jerusalem, 2000), 75-110. On the founding of advanced yeshivot by the *Mitnagdim*, see Saul Stempfer, *Ha-Yeshiva ha-Litait be-Hithavutah* (Jerusalem, 1995).

³⁴⁵Reiner, 305, 316.

³⁴⁶*Ibid.*, 315.

³⁴⁷For the text of *Sefer Hukkei HaTorah*, see Assaf, *Mekorot* I, 6-15.

recast the discipline and devotion of monastic education, which was certainly known to, and perhaps admired by, Jews, in a form compatible with Jewish practice and values."³⁴⁸

Historians disagree as to whether the monastic conditions outlined in these medieval texts reflect an historic reality or merely a utopian ideal.³⁴⁹ There can be no such doubt concerning the early modern Ashkenazic *kloiz*. Detailed regulations in many different *kloizim* make it clear that the regulations were taken seriously and enforced.³⁵⁰ And, as we shall see, when Ezekiel Landau, who in his twenties was a leading member of the prestigious *kloiz* of Brody, had occasion decades afterward to eulogize his wife of fifty-eight years, he made reference to her sacrifices on his behalf, singling out for special mention her willingness to put up with the loneliness of being the wife of a *kloiz* scholar: "I recall what she did for me in her youth, how she sat all alone at home while I remained immured in the *kloiz* six days of the week."³⁵¹

As we have seen, the yeshiva was not an institution for the most advanced and comprehensive study of Talmudic and halakhic literature. It was the *kloiz* that came to be regarded as such. The patrons who endowed the *kloiz* wanted value for their investment, and not surprisingly it was a high-quality institution that they wanted associated with their names. Thus,

³⁴⁸Ephraim Kanarfogel, *Jewish Education and Society in the High Middle Ages* (Detroit, 1992), 105; 165-6. Of course, it should be emphasized that there is ample pre-medieval, Talmudic, precedent for such quasi-monastic learning. Of the numerous stories found in talmudic literature concerning students who left their wives and families to study for extended periods of time, it suffices to cite the very well-known story of Akiva, who lived apart from his wife for twelve years, with her enthusiastic consent (Babylonian Talmud, *Ketubot*, 62b-63a).

³⁴⁹For a full discussion of the issue, see Kanarfogel, 101-5.

³⁵⁰Reiner, 315.

³⁵¹The eulogy is found in *Ahavat Zion* (Warsaw, 1895), 21. See also Landau's introduction to the *Noda BiYhudah*: "דברים שעשתה עמי בנעוריה שהיתה יושבת גלמודה ואני הייתי סגור כל ששת ימי השבוע בבית מדרשי...בנינו לנו מדרש, מובדל מעדה ומופרש, וששת ימי המעשה, כאשר מאבי נפרדתי ומביתו לברוד יצאתי...בנינו לנו מדרש, מובדל מעדה ומופרש, וששת ימי המעשה, כל שם טמון ומכוסה...והאשה אשר עמדי, לעזר ולא כנגדי, זו היתה זכותה, שישבה גלמודה בביתה, ואני בבי מדרשא, כל ימי הששה".

the person admitted into the *kloiz* was a scholar already familiar with most if not all of the Babylonian Talmud.³⁵² While we do not know of a specific curriculum, this probably reflects the fact that in an institution for mature scholars each student was expected to develop his own area or areas of expertise. The close collegial relations between intellectually gifted students who lived together were expected to produce productive scholarly intercourse, which would foster what was perceived as scholarship of quality, not of uniformity. Each scholar could follow his own interests.

In short, the *kloiz* was an elite educational institution designed for advanced students, whose unstated goal was to produce rabbinic scholars of quality. Such institutions were set up throughout Ashkenazic Jewry in the early modern period by wealthy donors who attained thereby social and religious prestige as patrons of in-depth Torah study.

In this context, the founding of a *kloiz* in Opatow by the Landaus in the 1720s may be viewed in a different light than that suggested by Jacob Emden. The *kloiz* was not a private synagogue, founded to provide a Landau brother with the opportunity to lead the parade on *sukkot*. Rather the founding of the *kloiz* was part of a general trend in higher education, reflected in the founding of *kloizen* in Ostrog in 1687, Altona in 1690, Grodno in 1691, Vilna in 1695, Amsterdam in 1700, Halberstadt in 1704, Mannheim in 1706, Brody around 1730, and Lvov by the 1750s.³⁵³ To the jaundiced eyes of Jacob Emden, the *kloiz* was founded, not as a site of serious learning, but as a private *minyán*, a showpiece. There is no denying that there may be some truth to that interpretation. But there is also no denying the *kloiz* was much more than that. The edict of Pawel Sanguszko limiting the number of worshipers in the *kloiz* may now be understood in an entirely different light. Instead of a decree solicited by the *kahal* to limit

³⁵²Reiner, 314 (in connection with the *kloiz* of Linsk).

attendance at the new synagogue for fear of losing worshipers and their income, the Sanguszko edict may simply have been a confirmation of the charter of the *kloiz*, which prescribed a membership of sixteen scholars, the usual number for such institutions. Sanguszko's decree indeed limits attendance at the *kloiz* to sixteen "worshipers." The reference to worshipers is probably a generic term, and in reality refers here to *kloizners*.³⁵⁴

This information enables us to reconstruct at least some of the early youth of Ezekiel Landau. He was an undoubtedly gifted child who lived *next door* to the local *kloiz*, a site of uninterrupted and intensive Talmud and rabbinic study deep into the night, the sounds and smells of which must have been a basic part of his early life.³⁵⁵ The young Ezekiel must have imbibed the heady atmosphere of quasi-monastic piety and intensive study, to say nothing of the powerful elitism of the *kloizners*. The proximity of the *kloiz* must have played a role in his choice not to follow the mercantile career of his father. Yehudah, after all, combined scholarship with a practical head for business and politics on the local and national level. Yehudah's son Ezekiel Landau chose instead the life of pure scholarship, the secluded life of a *kloiz* scholar, for a period of more than ten years. To be sure, the boy lived in a household that was anything but monastic. It was a storm center, the site of intrigues, family feuds, financial transactions of all types, commercial as well as political; it was also a place of high-level rabbinic scholarship. It must have been a fascinating place to grow up, a strange combination of monastery, academy, synagogue, city hall, and commodities exchange. If Ezekiel chose the life of scholarship, it was not because he was unfamiliar with the alternatives.

³⁵³Reiner, 297-298. The list is by no means exhaustive.

³⁵⁴This is Reiner's interpretation, see pp. 315-16.

³⁵⁵In Sanguszko's edict, the *kloiz* is described as being located in Yitzhak Landau's house (Hundert, 123). We also know from Polish archives that in 1721 Yehudah Landau lived next door to Yitzhak (Hundert, 120).

Six decades later a prominent Prague Jew, Shimon Kuh, founded a *kloiz* in that city. The endowment stipulated that Polish, Moravian, and Hungarian Jews were ineligible for membership. Evidently, Kuh wanted membership restricted to Bohemian Jews. According to Ezekiel Landau's son Samuel, the Chief Rabbi of Prague (Ezekiel Landau) wanted nothing to do with the endowment (היה מרחיק את עצמו מעניין צוואתו). Apparently, Landau refused to ratify the document, which anyway did not require his approval. Excluding Polish Jewish scholars from a *kloiz* was something Landau, whose childhood home in Opatow had housed a *kloiz* of such scholars and who later was a prominent member of the most famous *kloiz* in Poland, could not approve, even if it meant alienating a powerful member of his community.³⁵⁶

The Teen Years: Training an *Illui*

Other than the statement concerning his father's discipline and his parents hiring a tutor, we have no direct information about Ezekiel's teen years, 1723-33. These were the years when his father and uncle quarreled and reconciled, when the Landaus and the *kahal* were constantly at loggerheads over communal finances and public office. But what of Ezekiel himself? All indications are of a boy who displayed signs of intellectual ability, precociousness even. Such a child was referred to as an *illui*, "superior," a child prodigy. As Ephraim of Lenczycz and other educational critics had acknowledged, to have such a child was the dream of every parent; more

³⁵⁶Samuel Landau's letter to the journal *Ha-Me'asef* VII (1794-1797), 45; Reiner, 297.

important, it was an opportunity not to waste.³⁵⁷ Allowing such a child to run and play was considered a waste of time. Every possible moment was to be utilized to fill the child's head with as much information as possible, to "stuff him like an ox," as the Talmud recommends.³⁵⁸ This attitude persisted long after the eighteenth century. An early twentieth century Hungarian *illui*, David Weiss-Halivni, who grew up in a staunchly traditional Central-European environment, recounted how his status as an *illui* denied him the opportunity to enjoy a "normal" childhood:

I remember that as a child I had been a passionate player of walnuts. The game consisted of throwing the nuts towards a wall; the one who got closest to the wall had the first chance to roll a tar ball at the nuts, which were lined up in the form of head, neck, and the rest of a body. If the ball hit the head, all the nuts belonged to the hitter. But if the ball hit the neck, only the nuts from the neck down went to the hitter, and so on. Once, when I could not have been older than eight or nine, I scored the closest to the wall and, holding the ball in my hand and closing one eye, was aiming at the head. Suddenly, from nowhere, an itinerant preacher with a patriarchal appearance passed by, fastened his glance on me, and pointedly exclaimed in Yiddish, "A boy who knows the "*sugya* of Rabbi Hanina Segan Ha-Kohanim" [one of the most difficult passages in the Talmud] is not ashamed to play games!" I threw down the ball and never picked it up again.³⁵⁹

A private tutor was a perquisite of the wealthy, but pilpulistic knowledge and skill were expected of every intelligent young student, certainly of an *illui*. We have seen how the Maharal of Prague and his fellow-critics were so exercised by this phenomenon, but despite their protests, a pilpulistic bar mitzvah discourse of one kind or another was (and remains to this day) the fashion among learned Jewish families. True, the discourse was usually memorized; however, the fact that such a rote discourse is still in vogue testifies to the remarkably enduring social, cultural, religious, and intellectual prestige attached to the display of pilpulistic skill by young

³⁵⁷See note 60 *supra*.

³⁵⁸*Ketubot* 50a.

children in Jewish communities whose values were those of traditional rabbinic culture. This was certainly true of early modern Polish Jewry. An eighteenth-century Polish pilpulistic manual, *Divrei Hakhamim*, contains a section entitled: ומקשים לתינוק, "[At this point,] the young child is asked to resolve the following difficulty."³⁶⁰

We have, then, enough information to construct a picture of Ezekiel Landau the schoolboy: A good mind, a determined push by his parents towards classroom and study and away from "frivolity," a "sharp and acute" pilpulist as a private tutor, and a *kloiz* (sponsored by his family) next door. The foundations of Ezekiel's career as a leading rabbi and pilpulist were carefully laid by his parents, who trained their *illui* from the youngest years to be not merely a scholar who could control the basic Talmudic and halakhic texts, but a skilled pilpulist. Such an education included a more-or-less solid knowledge of the Talmud and its basic commentaries, as well as a great deal of practice in debate and argumentation. Reformers such as Maharal would have thrown up their hands in exasperation, but even they conceded that a truly gifted child could succeed in such a system, although Maharal would have argued that the child succeeded in spite of, not because of, the system.

By his own account, Ezekiel concluded his studies with his tutor in 1726, the year Yehudah Landau was quarreling with the *kahal* over his right as a *galil* elder to attend meetings of the *kahal* indefinitely. In addition, uncle Yitzhak left Opatow at this time. Back in August 1722 Sanguszko had demanded and received from Yitzhak written assurance that he would not accept another rabbinical position without Sanguszko's permission, on pain of confiscation of

³⁵⁹David Weiss-Halivni, *The Book and the Sword* (New York, 1996), 42-3.

³⁶⁰Yehudah Leib ben Yekutiel of Buczacz, *Divrei Hakhamim* (Zolkiev, 1750), cited in Rapel, 51, along with a number of similar works from the eighteenth century.

Yitzhak's property.³⁶¹ By 1727, Yitzhak was gone, and there was a delay in choosing a replacement. Was this delay connected with the ambitions of Yehudah? He certainly was not popular with the *kahal* at that time, although as the leader of the clan he undoubtedly had his partisans. We do know that in April of 1729, Sanguszko's officials demanded of the *kahal* that "a just rabbi, appropriate to your requirements," be appointed within two months. In the event, it was over a year before a new rabbi was chosen.³⁶² The environment of Ezekiel's teenage years, when he was presumably studying intensely and perfecting his pilpulistic skills, was certainly not uneventful. The issue of the election of a successor to his Uncle Yitzhak must have been a constant and hot topic of conversation in Yehudah Landau's immediate and extended household.

Yitzhak was not the only Landau to leave Opatow in 1727. Ezekiel was sent by his parents that year to Brody to continue his studies there. This piece of information comes from N.M. Gelber (1891-1966), a Galician Jewish historian who was a native of Brody. A trained historian saturated in local lore and tradition, Gelber wrote what is to date the definitive history of the Jews of Brody, based on a wealth of Jewish and Polish archival sources, many of which were destroyed during World War II.³⁶³ In this work, Gelber states that Ezekiel Landau came to Brody to study there in 1727 and that he remained there until 1732, when he moved for a short while to Dubno to marry a wealthy girl from that town (see below).³⁶⁴ Unfortunately, Gelber does not give his source for this information. However, it is quite consistent with contemporary educational patterns. Jewish students, such as the sons of the famous memoirist Glueckl of Hameln (1646-1724), often traveled out-of-town and even out of country to continue their

³⁶¹Hundert, *Opatow*, 138.

³⁶²Ibid.

³⁶³Nathan M. Gelber, *Toldot Yehudei Brody* [History of the Jews of Brody] (Jerusalem, 1955).

³⁶⁴Ibid., 69.

education, in accordance with the Mishnaic dictum, "Exile yourself to a place of Torah."³⁶⁵ Furthermore, there were intimate ties between the Landau family and the Jewish establishment of Brody.³⁶⁶ The famous *kloiz* of Brody, where Ezekiel went to study, a school described by A.J. Heschel as "one of the most important institutions in modern Jewish history,"³⁶⁷ was founded and run by Ezekiel's relatives, the Babads and Landaus, and in all likelihood Ezekiel boarded with his maternal grandparents, who were living in retirement in Brody.³⁶⁸ Ezekiel was to remain in Brody for nearly two decades.³⁶⁹ He would leave the place only when circumstances compelled him to, and even after election to the rabbinate of Prague, Landau would seek to exchange it for that of Brody.³⁷⁰ Gelber's information therefore seems perfectly reliable.

Sending their son to Brody was a career move on the part of Ezekiel's parents. It meant that he was destined for a distinguished rabbinical career. In order to understand the significance of this move, it is necessary to briefly examine the system - though "system" might be too formal a term - of secondary and higher rabbinical education in early eighteenth century Poland.

Elhanan Reiner has described a three-tiered system.³⁷¹ The first was that of the young unmarried students, teenagers who were referred to as *ne'arim*, lads, and *bahurim*, young men. These studied with older students, who earned their living by teaching and coaching the *bahurim*. Already in the early seventeenth century Nathan Hanover had described how "each community supported *bahurim* by supplying each *bahur* with two *ne'arim* whom he was to teach the Gemara

³⁶⁵Avot 4:14. *The Memoirs of Glueckl of Hameln*, translated by M. Lowenthal (New York, 1932), 200. See also, M. Breuer, *Ohalei Torah* (Jerusalem, 2004), 431-441.

³⁶⁶See chapter 3 of this dissertation.

³⁶⁷Abraham J. Heschel, *The Circle of the Baal Shem Tov* (Chicago, 1985), 74.

³⁶⁸Gelber, 74.

³⁶⁹See chapter 3 of this dissertation.

³⁷⁰Gelber, 57.

³⁷¹Reiner, "Wealth", 316-20.

(Talmud) with the commentaries of Rashi and the Tosafot. The goal was to have them recite the material he learned with them and then to engage them in pilpul."³⁷²

Once the *bahur* married, he was faced with a choice: to continue his studies or to enter a business. Of course, the decision was affected by his bride and her economic situation. If he continued his studies after his marriage, he became an *avreich*, a young scholar, a *yungerman*, in the Yiddish phrase. He continued in this stage for about six to eight years. At the end of that period, he would receive his *semichah*, roughly equivalent to ordination, and he was granted the title of *morenu* ("Our Teacher"). At this point, many students left school and entered the ranks of the middle-level Jewish clergy, pursuing careers as *dayanim* (judges) or rabbis of small communities.³⁷³

Some students elected to continue their education, to remain in school. These were in fact the members of the various *kloizen*, who, once accepted into a *kloiz*, were granted sufficient subsidies to continue their education. These scholars were by definition the elite. Some spent their entire lives in study, and enjoyed much prestige. They certainly were not viewed as unproductive parasites; rather, these scholars were looked upon as the embodiment of total devotion to the study of the Torah, the supreme religious value.³⁷⁴

It was from the ranks of this third group that important rabbinical positions were filled. These elite scholars did indeed begin with rabbinates in small communities, but these were

³⁷²N. Hannover, *Yeven Metzulah* (Lvov, 1851), 52b.

³⁷³Reiner, "Wealth," 319-320.

³⁷⁴Reiner's entire article, "Wealth, Social Position, and the Study of Torah: The Status of the *Kloiz* in Eastern European Jewish Society in the Early Modern Period," is devoted to the exploration of precisely this phenomenon, especially part seven, entitled "The Social Standing of the *Kloiz*" (320-22). See particularly the expressions of profound esteem towards the scholars of the *kloiz* of Brody contained in the famous *herem*, decree of excommunication against the nascent Hasidic movement proclaimed in Brody in 1772. The text of the *herem* may be found in Gelber, 112-14, and in M. Wilensky, *Hasidim u-Mitnagdim* (Jerusalem, 1970), 47-8.

merely the stepping-stones to the large prestigious posts which many obtained. Ezekiel Landau may be viewed as the archetype of such a scholar, and his career indeed followed this classic pattern. Accordingly, his first years of study in Brody, the four years prior to his marriage, may be understood as his *bahur* years. The *ne'arim* stage, the study of the Talmudic text and the introduction to pilpul, had already taken place in his hometown of Opatow. True, his tutor, Isaac of Ludmir, was no *bahur* but an accomplished scholar. But Ezekiel's parents were well-to-do and could afford a more advanced tutor for their son.

His departure for Brody did not mean that Ezekiel Landau never returned home. *Bahurim* were expected to celebrate the holidays with their families, and we have an account of such an occasion, an account written, not as a memoir of his youth or family life, but as a description of an encounter with the new rabbi of Opatow, Aharon Moshe Yaakov, formerly rabbi of Checiny.³⁷⁵ In the only extended reference to his childhood he ever included in his published works, Ezekiel Landau, writing in 1783 in his pilpulistic work, *Tzlah*, recalled the arrival of the new rabbi. In the process of organizing his pilpulistic notes to Tractate *Pesahim* for publication, the seventy year old Landau recalled a how certain problematic remarks of the Tosafot on page 70a of that tractate were the cause of an arcane pilpulistic disagreement between himself, all of eighteen years old at the time, and the new rabbi. The remarks of the Tosafot concerned the laws of sacrifices in the ancient Temple in Jerusalem, but the difficulty, in true pilpulistic style, involved a semantic proof offered by the Tosafists, a proof, Landau wrote, that caused him "much difficulty over the years." Let Landau tell the story:

³⁷⁵For the scant biographical information, see Kamelhar, *Mofet Ha-Dor* , 3.

As I now edit my words for publication I have strained my memory and I recall very well the pilpulistic debate between myself, a young child at the time, and the late Gaon R. Moshe Yaakov. It happened when he became Rabbi of Opatow, when he first arrived in the town, after the festival of Sukkot. It was a Friday. All the leading citizens of the community came to pay a formal call of respect on the new rabbi. It was getting close to sundown (i.e., to the Sabbath) when my father commanded me - I was still a youth, 'raised on my father's knees' - "Go now (to the rabbi). I am sure that by now everyone has gone home. Pay your respects and present yourself to him." I went to him. We began to engage in a pilpulistic discussion, moving from one (Talmudic) subject to another, until we finally came to this passage (i.e. the remarks of the Tosafot to Pesahim 70a). Yes, I recall now the difficulty the rabbi raised, that the semantic proof offered by the Tosafists made no sense...I responded to him (seeking to demonstrate that the proof was in fact logical)...He, however, rejoined, "Your proposed solution is of no help whatsoever, because..." We were getting carried away by our discussion, for in the meantime the Sabbath had commenced. I withdrew and went straight home to my father. I recapitulated for him the pilpulistic discussion. In the course of my remarks I exclaimed, "I regret now that I did not think of the following counter argument... My father said to me, "Your argument is logical enough, but the text of the Tosafot does not seem to bear out your suggestion...All this happened when I was a youth.

Lately (i.e., in 1783, a half-century later), I believe I have arrived at a better solution...³⁷⁶

This is the only personal story we have of the first two decades of Ezekiel Landau's life. It offers a brilliant if fleeting flash of insight into the contemporary rabbinical culture, Ezekiel Landau's world: The new rabbi has been officially welcomed by the *baalei batim*, the Jewish burghers, following accepted protocol. Ezekiel and his father have held back; they are waiting for the others to leave. More accurately, Yehudah has waited for this opportunity to show off his son, the eighteen year old pilpulist, who is still in town; he has not yet gone back to school in Brody. Perhaps the father has kept the son home a few more days in order to meet the new rabbi. Ezekiel would have us believe that he did not go to the new rabbi on his own initiative; that would be immodest. His father, "upon whose knees he still sat," *commands* him to go. When he presents himself, it is not just another courtesy call, filled with polite pleasantries. No, he and the rabbi get right down to business, as befits two rabbinical scholars. Each doubtless takes the

other's measure. One reference is cited, then another, then another, until finally the conversation turns to a "tough nut," to quote the Talmudic phrase for a difficulty. It is an obscure statement in a Tosafot, a proof to an opinion concerning sacrifices, a topic sufficiently arcane to be unfamiliar to anyone but the advanced scholar. There are no open books; true scholars are expected to know it all by heart. The debate is vigorous. They lose track of time, as is proper for a Torah scholar; after all, one is *supposed* to so throw oneself into one's studies that everything else, including time, fades into the background. The debate is cut off by the approach of the Sabbath. Neither side wins; each has taken the measure of the other, and the new rabbi now knows that Yehudah Landau's son is not just another *baal ha-bayit* or a mediocrity; young Ezekiel has not been wasting his time and his father's money in Brody! As for Ezekiel, although the Sabbath has commenced and it is time to be in the synagogue for evening prayers, he heads straight to report to his father, who has him relate the encounter, blow for blow. In the middle of his retelling, a new argument occurs to the young pilpulist. He bemoans the fact that he had not thought of it during the actual debate. The father, an old campaigner, sagely advises him that it is just as well, for had he thrust with his insight, the old man would easily have parried...

Equally telling, Ezekiel included his account in his *Tzlah*, a work containing many of his pilpulistic insights. Decades later, he writes, the problem of the Tosafot still bothers him, and he now has a new solution. If only the Opatow rabbi were still here!

This story conveys some of the intellectual zest felt by those who were actually able to skillfully engage in pilpul. They were the intellectual elite, the best and the brightest. What did the criticisms of pilpul mean to them?

³⁷⁶*Tzlah* to *Pesachim* (Prague, 1783) 70a.

At the age of eighteen, then, Ezekiel Landau was a promising pilpulist, and skill in pilpul was one very important qualification for success in the world of Jewish scholarship. Whether he would follow through and develop into a prominent rabbi remained to be seen, but as a junior student in the prestigious Brody *kloiz* he was off to a promising start.

That very year, Ezekiel was married off to Lieba, the daughter of Yaakov ("Yakobka") of Dubno. In all likelihood, at the time of the encounter with the new rabbi of Opatow, Ezekiel may have already been married, or at least engaged; after all, when the encounter took place on the holiday of *sukkot*, it was already late September. The Dubno match is no surprise. The rabbi of Dubno was Ezekiel's uncle, the brother of his mother Haya. Haya's father, Rabbi Eliezer "Littauer," had been Rabbi of Dubno from 1716-19, when he relinquished his post in favor of his son. Interestingly, when Rabbi Eliezer retired from Dubno, he moved to Brody, where he lived until his death in 1741.³⁷⁷ Eliezer's brother Yitzhak "Cracower" had formerly been the Rabbi of Brody (1690-1704), and his descendants, named Babad, were the movers and shakers in eighteenth century Brody; among other things they founded the famous *kloiz* there.³⁷⁸ Thus, there was certainly a rather strong Dubno-Brody connection in Ezekiel's life, and it is not difficult to imagine how his parents, especially his mother, as well as her father, arranged the match with a well-to-do citizen of their former city.³⁷⁹

We do not actually know much about Yaakov, the new father-in-law. Of course, it is not difficult to make an educated guess as to the type of father-in-law the Landaus would choose for

³⁷⁷Gelber, 74.

³⁷⁸Ibid., 49-50.

³⁷⁹ It is interesting to contrast Ezekiel's marriage at the age of eighteen with his brother's marriage at the age of twelve, "one half-month before his Bar Mitzvah" (*Noda BiYhudah Tinyana Even Ha-Ezer* 54). See also Israel Halpern, *Yehudim ve-Yahadut be-Mizrah Eiropan* (Jerusalem, 1968) 289-309, and Jacob Goldberg, "Jewish Marriage in Eighteenth Century Poland," in Gershon Hundert (ed.), *The Jews in Early Modern Poland* (London, 1997) 3-39.

their brilliant son. The three desirable qualities in a prospective father-in-law were scholarship, wealth, and *yihus*, distinguished lineage. As to scholarship, we do not know whether or not Yakobka was a scholar, but the fact that Ezekiel never makes reference to him is significant; were his father-in-law a scholar, it is almost certain that Ezekiel would have mentioned it, for scholarship was something he treasured above all else. *Yihus* there was, for Yakobka was the maternal grandson of the late Rabbi of Glogau and Nikolsburg, the latter office amounting to the position of Chief Rabbi of Moravia. Yaakov's wife Frieda was the daughter of Aryeh Leib Shatzkes, a wealthy and prominent communal and national Jewish leader.³⁸⁰ Finally, as to wealth, Yakobka was no rabbi, so he must have been a merchant, and he was able to support Ezekiel for over a decade while the latter was pursuing full-time study in Brody, where Yakobka owned substantial property.³⁸¹ Ezekiel Landau did not obtain a paid position for over a decade, and it was twenty years before he earned a real salary, in Prague. He seems to have been supported by his father-in-law all this time, which indicates that Yakobka must have been a man of means.³⁸²

As for Lieba, all we know about her is based on the eulogy pronounced over her grave by Ezekiel, which was published after his death.³⁸³ It is, to be sure, quite moving, one of the most moving in rabbinical literature. In it, Ezekiel makes loving reference to a fifty-eight-year-long blissful marriage, and there is no reason to doubt the veracity of this statement. On the contrary,

³⁸⁰ Kamelhar, 4; Gelber, 59.

³⁸¹ Gelber, 69.

³⁸² Of course, it is possible that Ezekiel inherited wealth from his father, who died when Ezekiel was twenty-five years old. But he was one of at least several sons, and it is more likely that he was supported by his father-in-law.

³⁸³ See note 108 *supra*.

Ezekiel's reference to his wife's great tact and diplomacy give every indication that his marriage was a great source of strength during his sometimes stormy career.

While it is significant that Ezekiel chose to settle and pursue a career in Brody, it is equally significant that he never returned to Opatow. More accurately, he returned to Opatow for a period of two years and then left, never to return. In *Noda BiYhudah* (I *Yoreh Deah* 6), Ezekiel Landau, asked about the identity of a suspected Sabbatian who claimed to be a citizen of Opatow, responded that he himself was a native of Opatow and had lived there for a period of two years some twenty-two years ago.³⁸⁴ This responsum, written to a Bohemian rabbi, clearly dates from Landau's tenure as Chief Rabbi of Prague (1755-1793). The *Noda BiYhudah* was published in 1776. Thus, Ezekiel Landau lived in Opatow for two years sometime during the years 1733-1754. Since we know his whereabouts during the 1740s and 1750s, the two years must have been during the 1730s, when he was a young married man in his twenties. In other words, his years in the Brody *kloiz* were interrupted by a two-year period when he lived with his wife in Opatow.

We have no information concerning this period or the reason he left for good. His father Yehudah died in 1738. Did Ezekiel return home to try to take his father's place in the community? Did his ultimate departure mean that his attempts to fill his father's shoes, to run his father's businesses, to uphold his father's interests and contacts and to fight his father's political and economic battles, were unsuccessful or not to his liking? Are we to view his departure as a rejection of Opatow? Possibly. On the one hand, there was no comparison between the two towns. Opatow had a thousand Jews and a small, respectable scholarly establishment. Brody had

הנה אני מילידי ק"ק אפטא וזה כ"ב שנה היה דירתי קבוע בק"ק הנ"ל שנתים ימים. 384

about six thousand Jews and was a major intellectual center, pulsating with scholarly activity.³⁸⁵ Such a place was by definition much more attractive to a scholar like Ezekiel Landau.

Since we cannot ascertain when he lived in Opatow, we must consider other factors that may have played a role in Ezekiel's staying away from his birthplace. Judah Landau's quarrels with the *kahal* did not subside; if anything, they increased over the following years, ending only with his premature death in 1738. Quarrels with other Landaus continued into the 1740s.³⁸⁶ Can there be any doubt that Ezekiel must have looked back upon his birthplace with mixed emotions? Opatow's most famous son, certainly its most famous scholar, was in the delicate position of also being a scion of its most controversial and contentious family. Given the enemies his family had made in Opatow, it is not surprising that Ezekiel Landau preferred to pursue his career elsewhere. If this conjecture is accurate, his permanent removal from Opatow was a remarkable testimony to his family's complicated legacy.

³⁸⁵In 1764 the Jewish population of Brody was 7,627, according to a government census (Gelber, 33).

³⁸⁶Hundert, *Opatow*, 127-132.

Addendum to Chapter 2.

A Short Pilpul: *Tzlah* to *Pesahim* 9a

A mishna in *Pesahim*, in discussing the obligation to search one's home before Passover to discover and remove any hametz (food containing leaven) and thereby ensure that his home is free of any hametz, states:

We do not fear that a weasel may have dragged [hametz] from house to house, or from place to place [within the house]. For if [we did fear this, then we would have to fear that it may have dragged hametz] from courtyard to courtyard and from town to town, and there would be no end of the matter

In other words, one might argue that it is impossible to ensure that his home is truly hametz-free, since a weasel could bring hametz into the home even after it had been thoroughly searched and all hametz removed from it. The mishna therefore states that as long as one makes a good-faith effort, he need not fear that some weasel or rodent might undo his efforts.

The Gemara reads the wording of the mishna very closely and observes that the mishna refers to some general fear, not to a witnessed act. If one saw a weasel enter his home with hametz, the mishnah's rule would not apply. The person would have to assume that the hametz carried by the rodent is still in the home and he would have to conduct a new search.

The Gemara then observes that this deduction contradicts, or seems to contradict, a different mishna, in tractate *Ohalot*, which states:

Dwellings of idolaters convey ritual impurity [to anyone who enters them because idolaters are suspected of burying their stillborn underneath them. Halakhically, corpses convey such impurity to anyone inside the building in which they are located]...Such dwellings must therefore be searched [to ascertain that there are no corpses buried under them]. However, any place that a weasel or pig are able to go does not require a search [because we can assume that any corpse left there was eaten by them].

Why does the mishna in *Pesahim* fear that a weasel might bring hametz into the home? Why not assume that if the weasel finds hametz it will eat it?

The Gemara then introduces the Amora Rav Zeira, who reconciles the seeming contradiction between the two mishnas. Weasels eat meat, all they can find. However, they do not eat all the bread (hametz) they find. They eat some and they leave some over, dragging it around with them and possibly depositing it somewhere. Therefore, in the mishna in *Ohalot* we may assume that the weasel consumed the entire corpse (meat), if there had ever been one in the house. In the case of the hametz, which is bread, if we saw a weasel dragging some into a home we could not assume that the weasel subsequently ate all of the bread. We would have to suspect that it may have left some uneaten bread somewhere in the house. We therefore require a new search. Thus, the two rulings are not contradictory. Such is the interpretation of Rav Zeira.

The Gemara then introduces the Amora Rava, who disagrees with Rav Zeira. Rava argues that the two cases are fundamentally different and that it is that fundamental difference that is the reason that they do not contradict each other. In the mishna in *Ohalot*, it is not known whether there is a corpse in the house. Maybe there is and maybe there isn't. Since the problem (the presence of a corpse) is not an established fact but a mere possibility, it follows that a mere possibility that some weasel (in an area where weasels and rodents are common) ate the whole corpse is sufficient to allow us to assume that it did so. However, in the case deduced from the mishna in *Pesahim*, a weasel is actually seen bringing hametz into a house. When the problem

(the presence of hametz) *is* an established fact, then the mere possibility that the weasel ate it is not sufficient to allow us to assume that it did so. In the words of Rava, אין ספק מוציא מידי ודאי, the certainty that the hametz was reintroduced by the weasel is not undone by the possibility that the weasel subsequently ate it.

In analyzing this passage, Rabbi Ezekiel Landau observes that Rava offers an alternative reconciliation to Rav Zeira's. There is no evidence that Rava accepts the proposition that weasels eat all the meat but not all the bread. That being the case, there is a logical problem in that both mishnahs seem to be stating the same thing. The mishna in *Pesahim* as well as the mishna in *Ohalot* indicate that ספק מוציא מידי ספק, that absent any actual sighting of a weasel bringing hametz into a house, we can assume that it did not do so and that if it did, it ate it. In other words, the stated case in the mishna in *Pesahim*, as opposed to the implied case (where a weasel was actually seen introducing hametz into the house), is identical in its logic to the case of the idolater's house. This is problematic, for that would mean that one of the two mishnas was unnecessary, that it could be deduced from the other mishna. One mishna seems redundant, and we know that *no* mishna is redundant! Specifically, the mishna in *Ohalot* could perhaps not be deduced from the mishna in *Pesahim* because it might be argued that the ruling in *Pesahim* is due to the extenuating circumstance that it is physically impossible to guard against some weasel somewhere bringing hametz into some house. As the mishna itself declared, אין לדבר סוף, "there would be no end of the matter" were we to require new searches based on the possibility of weasels bringing in hametz. By contrast the case in *Ohalot* is straightforward and does not involve such extenuating circumstances. There is a house in which or under which there may be a corpse. It is possible to make a thorough search of the house and ascertain whether or not a corpse is present. One could have argued that just because we assume that if a weasel did bring

in food he then ate it, it does not automatically follow that if there was a weasel in the vicinity we can assume that it ate the corpse, for perhaps the lenient ruling in the case of the hametz was due to the extenuating circumstances. However, if we reverse matters, one mishna seems redundant. That is, the mishna in *Ohalot* states that, absent any certain knowledge about the corpse, we can assume that some weasel ate the corpse because the fear that there may be a corpse is cancelled by the fear or possibility that the corpse was eaten by a weasel. The same logic applies to the case of the hametz: absent any sighting of a weasel dragging in food, we may assume that if it did do so, it subsequently ate it. If this is so, then why is the second mishna, the one in *Pesahim*, there at all? It could be deduced from the Mishna in *Ohalot*! This is Rabbi Landau's question.

Because of this seeming redundancy, Landau concludes that the mishna in *Pesahim* is there, not for its own sake, but to deduce from it the ruling that when a weasel is actually seen dragging hametz into a house, a new search is necessary because in that case we cannot assume that the weasel ate the hametz. However, Landau then points out that this deduced rule is likewise unnecessary. A mishna elsewhere in *Pesahim* states that after the search is concluded on the night before Passover, one must take care that whatever hametz was discovered in the search is placed in a secure place until it is ritually destroyed on the following morning. The reason for the secure place is that otherwise a weasel might get at the hametz, and drag it around the house, necessitating a new search. Thus, the very rule that is to be deduced from our mishna concerning the weasel is clearly stated in a later mishna. Once again, Landau asks, why is our mishna not redundant?

Rabbi Landau then draws a fine distinction between the case deduced from our mishna (that when a weasel is sighted bringing in hametz, a new search is mandated; we cannot assume

it ate the hametz) and the case in the other mishna in *Pesahim* about placing the hametz one has discovered in a secure location to keep it away from a weasel. He argues that the case deduced from our mishna would not necessarily be deduced from the mishna concerning the secure location. To establish the distinction, Landau analyzes the law requiring a search to discover and destroy all hametz in one's house prior to the onset of Passover. The reason for this requirement is discussed by the Talmudic commentators Rashi and the Tosafists. Rashi states that the search and removal of hametz is required by Biblical law, by the Pentateuchal verses (*Exodus* 12:1, 13:7) which prohibit not only the eating of hametz on Passover but possession as well. The Tosafists do not agree. To avoid owning hametz it is sufficient to mentally or verbally disassociate oneself (*bitul*) from ownership of such hametz. If the mishna nevertheless insists on searching out and physically removing all hametz on one's premises, it is out of fear that in spite of one's sincere disassociation, one might nevertheless forget himself and eat such hametz on Passover if it is in his house or in his proximity. To prevent such a mishap, the hametz is searched out and removed. In other words, according to Rashi, the search is required by Biblical law. According to the Tosafists, it is required by rabbinic, not Biblical, law, to prevent a possible mishap. However, the view of the Tosafists is based on the assumption that the person did disassociate himself from the hametz. The disassociation satisfies the requirements of Biblical law, for once he disassociates himself from the hametz, he no longer owns it. However, if for some reason he did not disassociate himself from the hametz, then he would be in possession of hametz on Passover and would be in violation of Biblical, not rabbinic, law. Thus, the Tosafists concede that any person who does not plan to disassociate himself from the hametz is required under Biblical, not rabbinic, law to search out and remove whatever hametz is in his possession prior to the onset of Passover.

Now, in the case of our mishna, what is the fear? That a weasel may drag some hametz into the house after one has already searched out and removed all the hametz. Well, says Rabbi Landau, any hametz dragged in by a weasel is not the hametz of the owner of the house; he has already removed all of *his* hametz. The weasel is dragging in someone else's hametz. The Pentateuchal verses cited above hold a person responsible for the possession of *his own* hametz on Passover. He is not responsible for someone else's. Therefore, if he is required to search out and remove the weasel's hametz, it cannot be by Biblical law. Rather, it must be a requirement legislated by *rabbinic* law, a preventative measure to ensure that on Passover he does not end up eating some of this hametz that lies around his house.

Viewed in this light, the mishna in *Pesahim* discusses two cases, one involving a search mandated under Biblical law, the other a search mandated by rabbinic law. That is, the mishna spoke of *fear that a weasel may have dragged [hametz] from house to house, or from place to place [within the house]*. The former case involves a rabbinically mandated search, since any hametz dragged from house to house is by definition *not* the hametz of the owner of the house into which it is dragged and therefore not his responsibility under Biblical law. The latter case, hametz *dragged from place to place [within the house]* does indeed involve hametz that is his, and the search and removal operation is mandated by Biblical law.

The point is that the mishna in *Pesahim* requires, among other things, a search for *someone else's* hametz even though it *is* possible that the weasel ate it. This stringency is not stated elsewhere in connection with a violation of rabbinic, as opposed to Biblical, law. The other mishna, which requires one to put the hametz he has searched out on the night before Passover in a secure place to prevent a weasel from getting at it, was referring to *one's own* hametz, possession of which would be a violation of Biblical law. If our mishna was unstated

and we had to deduce it from the mishna about the secure location, we would not be able to do so. We would only be able to deduce that in any case involving a possible violation of *Biblical* law (which is treated more stringently in Talmudic jurisprudence), we cannot not assume the hametz was eaten by the weasel. We would not necessarily be able to deduce such a ruling in a case where at most, a violation of rabbinic, not Biblical, law, was involved. Therefore, our mishna was included, to deduce from it that we do not assume the weasel ate the hametz even if it is the type of hametz he is allowed to have in his house under Biblical law. The fact that it is a less stringent form of hametz does not affect the logic of the law that if the introduction of hametz into the house by the weasel has been established, we are not allowed to assume that the weasel ate it.

Brody

This chapter describes the next phase of Ezekiel Landau's life, his years in the eastern Polish city of Brody, a very important Jewish community in the eighteenth century. The years Ezekiel Landau spent in Brody, from his mid-teens to the age of thirty-two, were the formative years of his life. Landau was part of a group that helped make Brody the leading Jewish community in Poland in its day, and he reveled in the heady atmosphere of intense scholarship, piety, wealth, and family connections that characterized the elite of the community in the mid-eighteenth century. Landau would become the most famous of the many products of Brody's institutions of Torah scholarship, and he would carry this style of scholarship and practice with him throughout his life. Landau loved Brody, and if it were up to him he would have remained there all his life. Even after he left, he sought in the course of his career to return there as on a number of occasions over the following decades.³⁸⁷ In order to understand this important phase of Landau's life, a phase which saw him embark on the beginning of a rabbinical career, we must look at Brody during this era and how the young Ezekiel Landau fit in. Afterwards we shall discuss Landau's life and education there, and the first steps in his career, namely, his position as a dayan, or judge in the community's court system.

The Remarkable Community of Brody

³⁸⁷See the final chapter of this dissertation.

In the eighteenth century, Brody, according to A. J. Heschel, was "the most important Jewish community of Galicia in size, as well as in scholarship and wealth."³⁸⁸ Indeed, it was one of the leading urban centers in all of Poland. At a time when more than half of all towns had fewer than two thousand people, Brody's ten thousand made it a major metropolis. By comparison, Warsaw, the capital, had about 20,000, while Poland's ancient capital of Cracow had a mere 5,000, in 1750.³⁸⁹

The prominence of Brody was neither accidental nor unplanned. The town had belonged in the seventeenth century to King John Sobieski and his son Jacob. Strapped for funds, the latter sold the town in 1704 to the magnate Josef Potocki (1673-1751), a major player in Polish national politics. Potocki was at the time engaged in backing Charles XII of Sweden and his candidate for the Polish throne, Stanislaus Leszczynski, in the Great Northern War against Augustus the Strong and Peter the Great. In the course of the struggle the town suffered the usual depredations.³⁹⁰ Once the dust settled and peace returned, Potocki, who patched up his differences with the victors so well that he was eventually appointed *Hetman*, Commander-in-Chief of the Polish Army (an admittedly honorific title in eighteenth century Poland), turned his attention to the intelligent management of his holdings, including his town of Brody.

The magnates viewed their towns in uncomplicated terms. In the words of the leading eighteenth century magnate, August Aleksander Czartoryski, "All towns are established primarily for commerce and through it they generate profit and wealth."³⁹¹ Some magnate estates were very large, almost the size of small countries, with vast revenues. For example, In 1748, the

³⁸⁸A.J. Heschel, *The Circle of the Baal Shem Tov*, 50.

³⁸⁹Jerzy Lukowski, *Liberty's Folly: The Polish-Lithuanian Commonwealth in the Eighteenth Century*, (London and New York, 1991), 62-3.

³⁹⁰Gelber, *Brody*, 27-8.

³⁹¹Rosman, *The Lord's Jews*, 79.

total public revenue of the Polish Commonwealth was eight million zlotys, while Potocki's revenue from his lands was three million.³⁹² In the context of a weak central government, individual magnates developed a private mercantilist system to promote the economic development of their holdings. Self-interest moved them to encourage the settlement and economic activity of Jews. In the words of one historian, "the magnates strongly supported Jewish commerce by encouraging Jews to develop magnate-owned towns as commercial centers. In order to generate wealth, magnates...sought to induce Jews to settle in their towns and to set up stores. In royal towns, Jews were often restricted in their commercial development. In the newer magnate-owned towns, Jews were usually welcome settlers. They were granted material assistance in building homes and stores, tax concessions, and the right to conduct trade freely."³⁹³

In addition, magnates actively promoted local markets and fairs, granting special concessions to merchants who attended. Magnates protected their towns from competitors, often ordering their serfs to patronize the magnate's markets. Most importantly, magnates provided personal security for "their" Jews and for those who attended "their" fairs. Finally, magnates were on occasion prepared to advance considerable sums to Jews to stimulate commerce.³⁹⁴

Brody was perhaps *the* classic example of this phenomenon. For the first five decades of the eighteenth century the town was the personal property of one man, Josef Potocki. Once the difficulties resulting from his having backed the losing side in the Great Northern war were concluded, Potocki, reconciled to the new regime, resumed his role as one of Poland's leading magnates. His lands had been deliberately devastated during the war, and Potocki now undertook to rehabilitate them. As part of this project, he determined to turn Brody, destroyed in the

³⁹²Lukowski, 15.

³⁹³Rosman, 79.

³⁹⁴Ibid.

fighting, into a world-class center of commerce, and he succeeded brilliantly. The Jews were his chosen instruments, and as a result of these circumstances, Brody became one of the largest and most prosperous Jewish communities in the world. Whereas Jewish Brody had in the seventeenth century been a community of small businessmen and petty moneylenders, eighteenth century Brody became a town of international merchants and traders. Potocki taxed the Brody Jews lightly, granted them so many economic privileges that by 1733 his town commissioner reported to him that "there is not a single Christian residence left in the market area. All the houses are Jewish. The Christians have moved to the suburbs." In 1742, the Armenians, the Jews' fiercest commercial competitors, gave up the struggle and moved away from Brody. These privileges were not due to Potocki's philo-semitism; all Polish nobles referred to the Jews as "vermin" and "infidels." Rather, cold calculation led him to realize that if the merchants of Brody were not heavily taxed and were allowed to accumulate wealth, their credit ratings would improve, and more commerce would be directed into their hands. That is exactly what happened. By the 1730s and 1740s, Brody was a center of international commerce, as local merchants sold to Leipzig, Breslau, Frankfurt, Manchester, and Amsterdam in the west; and to Berdichev, the gateway to the Ukrainian and Russian markets, in the east. In addition, merchants brought their goods to Brody from the east: from the Danubian provinces, Greece and Anatolia, and even Persia. In fact, in addition to its role as a center of trade, Brody became one of the leading entrepôts of Europe. Thanks to loans from Potocki, Jewish merchants erected great warehouses containing goods from east and west.³⁹⁵

³⁹⁵On the economic development of Brody, see Gelber, *Brody*, 29-33; on abandonment by Armenians, *ibid.*, 95. See also M Wischnitzer, "Die Stellung der Brodyer Juden im internationalen Handel in der zweiten Haelfte des 18ten Jahrhunderts," in: *Festschrift zu Simon Dubnows siebzigsten Geburtstag* (I. Elbogen et al., eds.), Berlin, 1930, 113-123. See also Gelber's article:

A vivid description of the respective roles of Potocki and his Jews in the development of Brody is provided in the memoirs of Ber of Bolechov (1723-1805), a Galician Jewish merchant:

When a great conflagration destroyed Brody in 1752, the landlord, Count Potocki, advanced his Jewish townspeople the sum of one million gulden out of his treasury. The merchants of Brody, having received this sum in cash, immediately found their way to all the towns of Europe where valuable merchandise and merchants were to be found. They also went to the seaports, the centers of foreign trade, and there carried on business with the money lent them by the Prince, for which they paid seven-percent interest while the capital remained in their hands for many years without loss. In this way the Jews of Brody became foremost in every kind of business, and every place became full of their goods.³⁹⁶

There is even a report that Potocki used to station horsemen along the roads to persuade merchants, en route to sell their wares in the eastern Galician capital of Lvov, to journey instead to Brody. The report goes on to say that any Jew under Potocki's protection could travel anywhere throughout Poland without fear of being molested, so extensive were Potocki's holdings and so powerful were his officials.³⁹⁷

We have seen that Opatow was no mere *shtetl*. Brody, with approximately eight times the population and commerce, with no less than *eighty* synagogues and *batei midrash*, was no mere Opatow.³⁹⁸ It was a major center of commerce, whose merchants were in vital and constant contact with the rest of Europe and beyond. The prosperity of its wealthier classes did not fail to influence Brody's religious, intellectual, and cultural life. Wealthy merchants and financiers developed into a patrician class, a cultural as well as intellectual/religious elite. It was this elite whose ranks Ezekiel Landau was to join and play a prominent part in for over a decade.

"Aryeh Leib Bernstein, Chief Rabbi of Galicia," *JQR (NS)* XIV (January, 1924), 308-10. On the contemptuous attitude of the nobles and magnates towards the Jews, see Lukowski, 82.

³⁹⁶*The Memoirs of Ber of Bolechov*, edited and translated by Mark Wischnitzer, (Oxford, 1922), 85.

³⁹⁷Cited in Heschel, 50.

Broadly speaking, eight extended families came to dominate Brody in the eighteenth century. They were the Bik, Shatzkes, Chayes, Rappoport, Perles, Rechels, Brotchiner, and Babad families.³⁹⁹ The most important was the Babad family. The founder of the dynasty was Yitzhak "Cracower," who was rabbi of Brody for three decades (1674-1704). A grandson of the famous "Rebbe Reb Heschel" of Cracow (who, as we have seen in chapter 1, was also the grandfather of Ezekiel Landau's paternal grandmother), Yitzhak "Cracower" was by all accounts a very popular and beloved figure in Brody. He left three sons and four daughters, all of whom came to be called "Babad," for *Benei Av Beit Din*, "Children of the Head of the Rabbinical Court" (*av beit din* was the formal juridical title of the rabbi of a community). In Polish, the family was called Rabinovitz, which means the same thing.⁴⁰⁰

Although Rabbi Yitzhak Cracower's sons were educated to rabbinic scholarship, none became rabbis of communities. Instead, they entered commerce and became rich and powerful communal leaders, prominent and even dominant in local and national Jewish affairs. The most prominent was the youngest son, Yaakov Babad (1680?-1748). An extremely successful businessman, Yaakov was a merchant of silk, wax, and skins. He also owned large breweries, a major source of income in magnate economies, since magnates like Potocki converted their grain surpluses into whiskey and spirits. In addition he was a moneylender/banker, lending his excess funds to other wealthy merchants.⁴⁰¹

³⁹⁸Gelber, *Brody*, 61.

³⁹⁹Gelber, *Brody*, 82.

⁴⁰⁰*Ibid.*

⁴⁰¹For Yaakov Babad's business career, see Gelber, *Brody*, 83, and Heschel, 51. For the importance of whiskey, vodka, and beer in the magnate economy, see Lukowski, 29-30 ("The single, most lucrative source of the Zamoyski Entail's income was...the production and sale of alcohol.")

Because of his great wealth Yaakov was able to play a large role in Jewish politics, and indeed, he was a leading member of the local, district, and national *vaads*, where he apparently was very active in the Jewish politics of eastern Poland. For example, he was a prominent organizer and leader of the opposition to the formal domination of eastern Galician Jewry by the Jewish community of Lvov. Eastern Galicia, or Ruthenia (*Rus-Podole* in Polish), was one of the four "Lands" of the Council of the Four Lands. The "Lvov Question" was a perennial bone of jurisdictional contention in seventeenth and especially eighteenth century Ruthenian Jewish politics. The Lvov leadership, lay and rabbinic, sought to preserve its preeminence and its jurisdiction over all Ruthenian Jewry. Two communities, Zolkiev and Brody, both of which enjoyed considerable growth in the eighteenth century, contested the claims and assertions of Lvov, and Yaakov Babad was a leader in these efforts. For example, he supported the successful opposition to the efforts of Rabbi Jacob Joshua of Lvov to assert his rabbinical primacy over Ruthenia in the 1720s.⁴⁰²

The *Kloiz* of Brody

⁴⁰²For Yaakov Babad's political activities, see Gelber, *Brody*, 83. For the "Lvov Question," see pp. 38-46; see also Yisrael Halpern, *Yehudim veYahadut beMizrah Eirope*, 136-38; Isaac Lewin, *The Jewish Community in Poland*, (New York, 1985), 97-111, especially note 7 on p. 110; Adam Teller, "Radziwill, Rabinowicz, and the Rabbi of Swierz: The Magnates' Attitude to Jewish Regional Autonomy in the 18th Century," *Scripta Hierosolymytana*, 1999, 262-269.

Interestingly, the Rabbi of Zolkiev, Yitzhak Landau, the uncle of Ezekiel, was a central figure in these political disputes. When Lvov attempted to have their rabbi proclaimed Chief Rabbi, not only of Lvov, but of all Ruthenia, Zolkiev led a revolt and appointed *its* rabbi, Yitzhak Landau, to the same post. The result was that the position of Chief Rabbi of Lvov and Ruthenia was in fact split in two and remained divided for many decades. This jurisdictional division led to frequent quarrels, especially during the long incumbency of Hayim Kohen Rapoport as Chief Rabbi of Lvov in the middle decades of the century (see Levin's article in

What perhaps set Yaakov Babad apart from his fellow wealthy merchants was his conspicuous patronage of scholarship. He personally endowed two *kloizen*, both of which became important centers of scholarship and pietistic practice and attracted students from far and wide. One *kloiz* was founded sometime in the mid-to-late 1720s by Yaakov Babad's son-in-law Hayim Landau, Ezekiel's first cousin. Like the Babads, Hayim combined scholarship with a successful business, as opposed to a rabbinical, career. Hayim was fully integrated into the Babad family; he was a business partner of his father-in-law and his brother-in-law, Yaakov's son Samuel Babad, who was a particularly successful merchant and moneylender. Backed by these wealthy and scholarly in-laws, Hayim Landau founded a yeshiva and a *kloiz* in a large beit midrash. In other words, Hayim took over an existing beit midrash building, adjacent to the old Brody synagogue, and converted it into a *kloiz*. He did so by the simple method of declaring his intention to provide an endowment for a certain number of advanced students to study there full-time. The endowment came primarily from the Babads, although Hayim also solicited funds from other Brody merchants. Apparently, sufficient funds were raised to offer potential students respectable long-term stipends. As a result, many able students were attracted to the *kloiz*. Another attraction was the rich library with which the *kloiz* was provided. In the words of one student, the *kloiz* was "full of books whose equal in terms of rare volumes and fine quality was hardly to be found in the rest of the world."⁴⁰³ The intellectual and religious quality of the student body, many of whom stayed for decades, made the Brody *kloiz* the foremost institution of its kind in the eighteenth century, and led A.J. Heschel to describe it as "one of the most important institutions for the learning of Torah in Polish Jewish history." A contemporary Polish

detail). Doubtless, it was to these quarrels that Jacob Emden referred when he accused Yitzhak Landau of being a notorious fomenter of intrigue and discord (see chapter 2 above).

Christian writer referred to the kloiz as the "Sorbonne zu Brody," an institution "which supplied professors and teachers to the Jews of Berlin, Amsterdam, Prague, and London."⁴⁰⁴

In addition, Yaakov Babad himself endowed a second *kloiz*, quartered in his spacious residence, which was known as "Reb Yaakov's *Kloiz*." According to Gelber, the number of scholars in this kloiz was "not small."⁴⁰⁵ The exact relationship between the two *kloizen* is unclear. It is known that they were in contact with each other, and indeed, the apparent similarity between the two institutions has led some historians to confuse or conflate the two institutions.⁴⁰⁶

The overall effect of the establishment of these two well-endowed institutions was to make Brody a leading center of Talmudic, rabbinic, and even kabbalistic, scholarship in the eighteenth century, and earn it the title (or epithet?) of "The Austrian Jerusalem" and the "Polish Amsterdam."⁴⁰⁷ Indeed, Brody in the eighteenth century attracted many private scholars. Gelber lists fifty-eight noted scholars who chose to reside in Brody while pursuing private scholarship, some as businessmen, others as full-time scholars. In addition, many professional rabbis moved to Brody upon retirement, presumably for the scholarly climate.⁴⁰⁸

⁴⁰³ בבית מדרש דקלויז בית גדול מלא ספרים אשר לא נמצא כמעט ברוב העולם ספונים והדורים. Peretz ben Moshe, *Beit Peretz* (Zolkiev, 1759), introduction.

⁴⁰⁴ For Hayim Landau, see Gelber, *Brody*, 62, and Wunder, *Galicia*, III 622-3. On Shmuel Babad, see Gelber, 84. On Hayim's founding of the kloiz, see Gelber, 62. Heschel's remarks are in his *Circle of the Baal Shem Tov*, 51. The remark of the anonymous Polish writer is found in Gelber, 81. Jacob Emden, not given to flattery, referred to the Kloiz as a group renowned throughout Poland as the leading institution for the study of Torah, בי מותבא רבא דברוד הידועים, לשבח ולתהלה בכל ארץ פולין אין כמותם, see Emden's *Petah Einayim* (Altona, 1756), 3a.

⁴⁰⁵ Gelber, 73. Gelber recorded the foundation deed of this *kloiz* before it was destroyed during the First World War.

⁴⁰⁶ See, for example, Heschel, 51.

⁴⁰⁷ Brody was called "the Jerusalem of Austria" by an Austrian official (Gelber, 9) and "the Amsterdam of Polish Jewry" by Zaluski, a Polish governor of Kiev (*ibid.*, 36).

⁴⁰⁸ *Ibid.*, 74-79.

In his introduction to the *Noda BiYhudah*, Ezekiel Landau made the following autobiographical statement: "When I left home for Brody, I joined together with some friends, pious and God-fearing every one of them. We built ourselves a *midrash* where we could isolate ourselves from everyone and devote ourselves to our studies six days a week, cut off from all outside interference."⁴⁰⁹ Taken literally this statement means that Ezekiel Landau himself founded the *kloiz* with a group of like-minded friends. In actuality, the *kloiz* was already in existence by that time, having been founded well before Ezekiel's marriage in 1732. Ezekiel's statement is more in the nature of a rhetorical flourish, and indicates that he and his fellow members of the *kloiz* devoted themselves wholeheartedly to their studies, as was the norm in the typical *kloiz*. On the other hand, it should be noted that we have no information concerning any member of the *kloiz* who was substantially older than Ezekiel. It is therefore indeed quite possible that Ezekiel Landau was one of a group of teen-aged students, talented and well-connected students, who began to study together in Brody in the second half of the 1720s with such success that wealthy relatives were moved to formalize the arrangement by endowing a *kloiz* to subsidize their continued education. If this is what happened, then Ezekiel was indeed a founding member of the *kloiz*, and his autobiographical remarks are quite accurate.

Whatever the particulars, Ezekiel Landau was clearly a product of the "Sorbonne of Brody," and whoever wishes to understand him needs to understand this institution, which, despite its acknowledged importance, has to date not received adequate attention from academic scholarship. N.M. Gelber has assembled a list of fifty-one scholars identified in the sources as

⁴⁰⁹ כאשר מאבי נפרדתי, ומביתו לברודי יצאתי, נתחברתי עם חברים, יראי ה' טהורים. בנינו לנו מדרש, מובדל מעדה 409 כמוכוסה ומכוסה. ומופרש. Introduction to the *Noda BiYhudah*.

members of the *kloiz* of Brody during the eighteenth and early nineteenth centuries.⁴¹⁰

Concerning most of these persons there is scant information, usually their dates of birth and death, the works they published and the positions they occupied. Of course, such a list is not exhaustive; many members of the *kloiz* did not publish, nor did they occupy rabbinical or semi-rabbinical positions, living instead the lives of private scholars. What they all seem to have had in common was a certain level of scholarship and a willingness to subject themselves to a very rigorous schedule of study, which bespoke an ascetic, almost monastic bent. And indeed, the *kloiz* of Brody became famous not only as a school of advanced Talmudic, halakhic, and pilpulistic studies, but also as a center of the intense and ascetic study and practice of kabbalah. No less an authority than Gershom Scholem calls the scholars of the Brody *kloiz* "the greatest scholars of Kabbalah [of the mid-eighteenth century]." ⁴¹¹ Elsewhere Scholem describes the *kloiz* as the European and Ashkenazic equivalent of the famous Sefardic kabbalistic "*kloiz*," the *Beit El* of eighteenth century Jerusalem founded by the great Yemenite mystic Shalom Sharabi.⁴¹² This Jerusalem academy or society was regarded as the site of the greatest Kabbalistic scholarship, so Scholem's comparison of the Brody *kloiz* with *Beit El* is a significant indicator of the importance of the former.

The most significant figure in the development of the Brody *kloiz* into a significant site of Kabbalistic study was a close friend and fellow scholar of Ezekiel Landau's named Hayim Tzanser. Hayim's reputation as a kabbalist was such that he was cited in the hagiographic biography of Ezekiel Landau written by Ezekiel's son to authoritatively establish the fact that

⁴¹⁰Gelber, *Brody*, 62-74. It should be noted that M. Piekarz criticized certain conclusions of Gelber's. See Piekarz, *Bi-Mei Zemihat Ha-Hasidut* (Jerusalem, 1978), 40.

⁴¹¹G. Scholem, "Review of M.J. Cohen's *Jacob Emden, A Man of Controversy*," *Kiryat Sefer* XVI (1940), 327.

⁴¹²G. Scholem, *Kabbalah* (Jerusalem and New York, 1974), 83-4

Ezekiel Landau was an adept in mystical texts. Yaakobka Landau, in his biographical essay of his father published as an introduction to the second volume of the *Noda BiYhudah*, quotes Hayim Tzanser, "[Ezekiel's] comrade in the study of Hidden Wisdom," as testifying to Ezekiel's thorough familiarity with "the *Kitvei ha-Ari* [i.e., the works of Lurianic kabbalah which were published or else circulated in manuscript form in the seventeenth and eighteenth centuries] as well as the other kabbalistic works popular in these parts." Indeed, Hayim Tzanser is quoted as saying that all of these kabbalistic works, along with the decidedly non-kabbalistic Maimonidean philosophical classic, *Guide for the Perplexed*, were "in [Ezekiel Landau's] pocket."⁴¹³

From Yakobka's words one would not get the impression that Hayim Tzanser was actually seven years younger than Ezekiel Landau. Although Landau was the senior of the two and certainly the greater Talmudic and halakhic scholar, Hayim eventually gained a greater reputation as a kabbalist. Indeed, Hayim became the very prototype of the aristocratic, ascetic and scholarly kabbalist who believes that the study and practice of Kabbalah should be restricted to a select few, who alone are capable of understanding and benefiting from its esoteric knowledge and practice.⁴¹⁴ Renowned for his rather formidable piety and ascetism, an ascetism

ואת צנועים חכמה, כאשר באמנה שמעתי פה קדוש יאמר זה, קדוש ה' מכובד, גאון וחסיד המפורסם מקובל⁴¹³ האלקי מו"ה חיים סאנציר ז"ל. אשר ידענו כי הוא היה לו לחבר טוב בלמודי ה' הנסתרות, הוא היה אומר כי כל כתבי קודש של האר"י ז"ל ויתר ספרי קבלה המקובלים במדינה זו, גם המורה נבוכים, אלה חוברו לו יחדיו והיו טמונים בסתר כנפיו סלה.

⁴¹⁴For Hayim Tzanser, see Gelber, 63, 330-31; Piekarz, 60-61; and the introduction to Tzanser's *Ne'edar Bakodesh* (New York, 1962), a commentary on Pirkei Avot (New York, 1962), by his descendant, N. Fish. For Hayim's restrictive attitude opposing the excessive spread of Kabbalah-study among the untrained masses, see Piekarz, *BiYmei Zemihat ha-Hasidut* [The Beginning of Hasidism: Ideological trends in Drush and Mussar Literature], 33. This attitude on the part of an enthusiastic kabbalist was by no means exceptional in the eighteenth century, see *ibid.*, 320-338; Elisheva Carlebach, *The Pursuit of Heresy*, 72-74; and Moshe Idel, "Perceptions of Kabbalah in the Second Half of the Eighteenth Century," *The Journal of Jewish Thought and Philosophy* 1 (1991), 55-114. As we shall see, Ezekiel Landau became a forceful and eloquent exponent of this attitude.

which he propagated among his fellow scholars of the Brody kloiz, Hayim Tzanser remained a scholar of the kloiz of Brody until his death in 1783.⁴¹⁵ He appears to have been the *havruta* or study-partner of Ezekiel Landau in kabbalistic literature. We may imagine the pair, sometime in the late 1730s and/or early 1740s, secluding themselves, not in the kloiz-building itself, but in the *shtiebl*, the room attached to the building. It was in this small room that the study of Kabbalah was pursued by those members of the kloiz who were interested in this field.

The *shtiebl* evolved into a recognized autonomous kabbalistic enclave, with an exclusive, highly restricted membership of kabbalists. This universal recognition was remarkable considering the time and the place. Although Early-Modern rabbinic Judaism had fully accepted the legitimacy of the Lurianic kabbalistic tradition, the rise of certain disturbing phenomena during the eighteenth century greatly complicated that acceptance.⁴¹⁶ The eighteenth century was a time of widespread crypto-Sabbatian and Frankist kabbalistic study. The popularity of kabbalistic study among these heretical groups, the antinomian uses they made of kabbalistic literature and doctrine, and the general privileging of the kabbalistic over the Talmudic tradition combined to render the kabbalah a subject rabbis and lay-leaders felt should be avoided by the unqualified, unlike the Talmud, whose study was urged upon all males.⁴¹⁷ Indeed, it was in Brody that Polish rabbis convened to ban the study of kabbalistic literature by the public in

⁴¹⁵Gelber, 63.

⁴¹⁶See M. Idel, "Perceptions of Kabbalah in the Second Half of the Eighteenth Century," 61.

⁴¹⁷For literary expressions of this trend, see Piekarz, 322-338; Idel, "Perceptions of Kabbalah," 55-114. On the privileging of kabbalistic over Talmudic sources among Sabbatians and particularly in the Frankist movement, see Boaz Huss, "*Sefer ha-Zohar* as a Canonical, Sacred and Holy Text: Changing Perspectives of the Book of Splendor between the Thirteenth and Eighteenth Centuries," *The Journal of Jewish Thought and Philosophy* 7 (1998), 284-286.

1756.⁴¹⁸ Kabbalistic study and especially practice was therefore viewed with suspicion as something which in the hands of the unworthy or the unqualified might indicate or lead to heresy. The widespread esteem gained by the students of Kabbalah of the Brody *kloiz* indicates that the scholars in that institution were perceived as being both worthy and qualified, men who had properly grounded themselves in a comprehensive knowledge of the Talmudic and halakhic literature before studying Kabbalah. Scholars so grounded could be relied upon to interpret kabbalistic doctrine and implement kabbalistic practice in such a manner as to ensure their "proper" coordination with Talmud and Halakha, the two bases of rabbinic Judaism.⁴¹⁹

As an indication of the high regard in which it was held by the public as a site of legitimate, as opposed to heretical, Kabbalah-study, the *kahal*, the official Jewish community, of Brody granted the *shtiebl* the exclusive right to deviate from the standard, universally accepted Polish Ashkenazic prayer book in favor of the kabbalistic prayer book of the ARI (the kabbalist Isaac Luria) and the kabbalists of Safed.⁴²⁰ The uniqueness of this privilege came to the fore in 1772, during the first great war of the *mitnagdim* against the Beshtian Hasidim, whom the former regarded as a deviant sect. One of the charges against the Beshtians was that they prayed from kabbalistic prayer books and adopted various kabbalistic customs and rituals, different from the traditional, non-kabbalistic prayer books and customs of the Ashkenazic Jews. Such kabbalistic practices, declared the *herem*, the official ban leveled at the Beshtians by the *kahal* of Brody,

⁴¹⁸For the text and the context, see Meyer Balaban, *Le-Toldot ha-Tenuah ha-Frankit* [Towards a History of Frankism] (Tel-Aviv, 1935), 118-127; Avraham Yaari, *Mehkerei Sefer* [Studies in Hebrew Booklore], (Jerusalem, 1958), 450-453.

⁴¹⁹On the question of the relationship between talmudic-halakhic and kabbalistic literature and practice, see Meir Benayahu, "The Controversy between Halakha and Kabbalah" [Hebrew], *Da'at* 5 (1981), 61-115; Jacob Katz, "Halakhic Statements in the Zohar;" "Post-Zoharic Relations between Halakha and Kabbalah;" and "Halakha and Kabbalah as Competing Disciplines of Study;" in his *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Jerusalem, 1998), 9-87.

were the exclusive prerogative of the מתפללים בתוך השטיבל הראשון שבצד הקלויז דקהילתנו, those "who pray in the first *shtiebl* located on the side of the *kloiz*." To these persons alone, "renowned for scholarship and piety, who have been praying according to [kabbalistic] rites for years, with the acquiescence of our rabbinic predecessors," was the right to deviate from communal standards and texts of prayer granted.⁴²¹ The fact that the Beshtians were so bitterly attacked for claiming the right to follow the same practices highlights the privileged status of the Brody *Kloiz*.

It should be pointed out, however, that the *kloiz*, although specially privileged, was not the only site of such practices. The second and third quarters of the eighteenth century was a period of fairly widespread pietistic practice, including kabbalistic practice as well as ascetic practices which dated back to medieval Germany. In general, the number of *hasidim*, that is pietists (pre-Beshtian as well as non-Beshtian), while certainly not numerous, was not insubstantial either.⁴²²

Thus, Ezekiel Landau's higher education was pursued in a particularly intense Talmudic/kabbalistic environment. However, it is important to emphasize once again that the *kloiz* firmly maintained the primacy of the Talmudic over the kabbalistic. The official curriculum consisted of non-mystical texts, a fact explicitly emphasized by Landau in his introduction to the *Noda BiYhudah*:

⁴²⁰See L. Jacobs, *Hasidic Prayer* (New York, 1973), 40-41.

⁴²¹The documents are found in Mordechai Wilensky, *Hasidim and Mitnagedim: A Study of the Controversy Between Them in the Years 1772-1815* (Jerusalem, 1970), 47-48.

⁴²²See Moshe Rosman, *Founder of Hasidism: A Quest for the Historical Baal Shem Tov* (Berkley, 1996). The second chapter of this book is devoted to a study of the phenomenon of "Hasidism Before Hasidism," that is, non-Beshtian Hasidism. Rosman (p. 29) observes, "Those who combined devotion to mysticism and ascetic practices were often found attached to two types of associations that served as forums for study and mystical fellowship, the *bet midrash*

In all [our learning] we did not enter "the vision" (i.e., we did not engage in the study of Kabbalah). Rather, all our efforts, all our energy, went into the study of "the Sea of the Talmud" and of the works of the halakhists.⁴²³

Indeed, the very fact that the kabbalists of the *kloiz* intentionally secluded themselves in a separate prayer room indicates that they were emphatically *not* in favor of undermining the non-mystical religious practices of the general community. It was precisely this unwillingness to spread their special mystical practices to the general public which set them apart from the Beshtians. In the *kloiz* the Talmud seems to have been studied in the traditional Ashkenazic (non-mystical) fashion. Pilpul, not kabbalah, dominated one's daily study of the Talmud and its commentaries.⁴²⁴

Ezekiel Landau's relationship to Kabbalah

The very fact that the study of Kabbalah in the Brody *kloiz* was pursued openly but in a separate and presumably restricted site - the *shtiebl* adjacent to the *kloiz*, not the *kloiz* building

and the *kloiz*." See also G. Scholem, "Two Testimonies about Hasidic Groups and the Besht" (Heb.), *Tarbiz* 20 (1949): 231-238.

⁴²³ועם כל זה לא באנו במחזה. רק כל עסקנו בכל מאמצי כחנו בים התלמוד והפוסקים.

⁴²⁴Non-Talmudic subjects were not studied as part of the curriculum. In a responsum written to a judge on his court, Landau states the neither he nor his teachers studied or became proficient in Hebrew grammar (ואצא חוץ לגדרי). See *Mahadura Kamma Even Ha-Ezer* 94. Despite this disclaimer, however, Landau was actually quite familiar with scientific grammar and lexicography, and he did not hesitate to cite the concordance of the famous Christian Hebraist Johannes Buxtorf the Elder, see *Mahadura Kamma Orah Hayim* 2. Incidentally, Landau's contemporary Jonathan Eibeschutz also used this concordance, see the eighth sermon of his *Ya'arot Dvash* (Jerusalem, 2000), 163. For an appreciation of Landau's knowledge of Hebrew grammar, see Zvi Betzer, "Inyanei Dikduk be-Noda BiYhudah [Grammatical matters in the *Noda BiYhudah*]," *Asufot u-Mevuot be-Lashon: Perakim b'Ivrit bi-Tekufoteha* (Jerusalem, 1997), 179-189.

itself - was a geographical reflection of the ambiguous and uncertain attitude of contemporary Ashkenazic-rabbinic tradition and education towards the study and practice of Kabbalah. On the one hand the Kabbalah was viewed as a basic part of the Torah; as such its study was desirable.⁴²⁵ On the other, it was not the Kabbalah but the non-kabbalistic Babylonian Talmud that was regarded as the authoritative source of legally required practice. Although a certain amount of ritual practice derived from kabbalistic, as distinct from Talmudic, sources had penetrated the halakha by the eighteenth century, Jewish law remained overwhelmingly Talmudic, not kabbalistic, in origin and in terms of authority.⁴²⁶

To be sure, kabbalistic practice was not deprecated. On the contrary, it was regarded as laudable when performed by qualified persons. But it was not held to be legally obligatory. Rather, it was in the nature of pietistic practice, praiseworthy but expected only from pietists. Rabbis and preachers were free to urge their audiences orally and in print to adopt various pietistic practices, but ultimately they could not require it. They could require only practices that originated in the Talmud and in those legal sources that explicated and applied the Talmud, namely, the law-codes and the responsa. In other words, in rabbinic culture, kabbalistic literature and practice enjoyed a most sacred status, but they needed to be properly integrated into a particular hierarchical framework. In terms of study, this meant that no one was to study Kabbalah before he had studied and mastered significant portions of Talmud and halakha. In

⁴²⁵See the study of this attitude in Idel, "Perceptions of Kabbalah in the Second Half of the Eighteenth Century," 55-114.

⁴²⁶On the relationship between talmudic and kabbalistic legal practice, including the penetration of some kabbalistic practice into Jewish law, see Katz, *ibid.*; Israel Ta-Shema, "Rabbi Joseph Caro and His *Beit Yosef*: Between Spain and Germany," Haim Beinart (ed.), *The Sephardi Legacy* (Jerusalem, 1992), 197-206. Ta-Shema makes the important observation that almost all of the kabbalistic practices adopted into the halakha involved ritual practice, which is located on the *Orah Hayim* section of the *Shulkhan Arukh*. There is very little adoption of kabbalistic

terms of practice, the public was to follow the Talmudic law as presented in the non-mystical law codes and the legal literature. Kabbalistic practice not included in those codes was not for the public but for a talmudically-educated elite, who alone could understand their import and who alone could be relied upon to perform such practices in a manner that would be properly integrated with Talmudic law. If these limitations were not adhered to, then kabbalistic study and practice would replace, rather than supplement, Talmudic-halakhic practice and study. Such a development would represent an inversion of the correct hierarchy of texts and practice, and the result would be a perversion of "true" Judaism. In the words of a leading Brody kabbalist, a prominent member of the *kloiz* and a friend of Landau's, "The Torah needs to be studied according to a certain hierarchy...If one does not [first] thoroughly master the [non-mystical] laws of the Torah [before he studies Kabbalah]...he will be like one who falls into a pit as he gazes at stars because he did not know the pit was there. So it is with Kabbalah and mysticism."⁴²⁷

No one expressed this fear more clearly than Ezekiel Landau himself. On a number of occasions he deprecated such hierarchical inversions. In a responsum concerning the ritual calligraphy of Torah scrolls, Landau discussed the views of famous legal authorities. Evidently, the questioner was also interested in the opinion of the *Zohar*, the classic kabbalistic text. To this Landau made the following reply:

Now as to the words of the *Zohar*, I do not wish to discuss this at length. Indeed, I am full of anger at those who publicly study the *Zohar* and other kabbalistic works. These persons cast off the yoke of the revealed [i.e., the non-mystical sections of the] Torah as they bounce around and delve into the *Zohar*. They end up knowing neither. Because of this the

practice in the other three sections of the *Shulkhan Arukh*, which cover civil law; marriage, divorce and personal status; and food, *nidah*, and various other laws.

⁴²⁷ התורה... צריך להבין אותה בהדרגה... שאם לא יודע דנים התורה על בוריה... הרי הוא כחוזר כוכבים שרואה
 למעלה ותחתיו נופל בבור מתוך שאינו יודע להזהר. כך הקבלה והנסתר. Moses Ostrer, *Arugat ha-Bosem*
 (Zolkiev, 1745), 67a.

Torah is being forgotten in Israel! That is not all. In our generation there has been an increase in the number of heretics of the sect of Sabbetai Tzvi (may his bones be crushed!). It is proper to set up a fence [to prevent] the study of the *Zohar* and kabbalistic works...In any event, [in regard to your legal inquiry], we do not issue rulings deriving from the *Zohar*. I do not wish to discuss the meaning [of a passage in] the *Zohar*, for I have no dealings with esoteric matters. I devote study solely to [those works who study is] permitted me.⁴²⁸

On another, often-quoted occasion, Landau expressed himself along similar lines, deprecating a pietistic practice of prefacing ritual acts and blessings with the recitation of a kabbalistic formula. The ritual acts and blessings were non-kabbalistic. They were Talmudic in origin. The recitation of a kabbalistic preface was an innovation which became popular in the seventeenth and eighteenth centuries. Landau was asked about certain aspects of this formula. In his response he indicated his strong disapproval of the entire practice as inappropriate for the unqualified public:

Rather than ask me the correct formula to be recited, you should have asked me whether it should be recited at all. In my opinion this is the grievous evil of our generation. To the generations before ours, who did not know of this formula and never recited it but labored all their days in the Torah and the *mitzvot*, all in accordance with the Talmud and its law-codes, whose words flow from the spring of living waters, the following verse can be applied, "The integrity of the upright shall guide them" [*Proverbs* 11:3]. They are the ones who produced fruit on high and whose love was higher than the heavens. But in this generation they have forsaken the spring of living waters, the two Talmuds, Babylonian and Jerusalem, to hew out for themselves broken cisterns. They exalt themselves in their arrogant hearts, each one saying, "I am the seer. To me are the gates of heaven open. Through my merit does the world endure." These are the destroyers of the generation! To our orphaned generation I apply the verse, "The ways of the Lord are straight, and the just do walk in them; but the hasidim do stumble therein" [*Hosea* 14:10 - "The ways of the

428 והנה בדברי הזהר אין רצוני להאריך. וה מאוד חרה אפי על אלו העוסקים בספר הזהר ובספרי הקבלה בפרהסיא.⁴²⁸ פורקים עול התורה נגלית מעל צוארם ומצפצפים ומהגים בספר הזהר, וה וזה לא עלה בידם. ועל ידי זה התורה משתכחת מישראל. ולא עוד, אלא בדורותינו נתרבו המינים מכת הש"ץ שחיק טמא, היה ראוי לגדור גדר בלימוד הזהר וספרי הקבלה...ועל כל פנים אין מורין הלכה מן הזהר ואין רצוני להאריך בכוונת הזהר כי אין לי עסק בנסתרות, ובמה שהורשיתי אתבונן. *Noda BiYhudah I Yoreh Deah* 74.

Lord are straight, and the just do walk in them; but the wicked do stumble therein"].⁴²⁹
 There is much for me to say in this connection, but just as it is a duty to speak when people will listen, it is a duty not to speak when people will not listen. May God have mercy on us.⁴³⁰

These and similar statements in Landau's responsa indicate a negative attitude to the spread of kabbalistic study and practice among a public who are unqualified to properly assimilate such information and integrate it into their religious practice. In the first responsum Landau criticized those who *publicly* studied the Zohar and who ended up understanding neither the Zohar nor the Talmud, yet presumed to issue rulings. In the second responsum Landau attacked those who forgot or failed to master the Talmud, yet felt themselves entitled to prescribe kabbalistic formulas.⁴³¹ In both cases Landau did not deprecate the Kabbalah per se but its practice by the unqualified. He deplored what he viewed as the perversion of Jewish practice caused by the inversion of the proper hierarchy of sacred texts and practices. Kabbalistic practice itself was

⁴²⁹This verse is obviously taken from the introduction to the thirteenth-century *mussar* (religio-ethical) classic *Sefer Hasidim*, which was a text studied at Landau's yeshiva, see G. Klemperer, *Hayei Yehonatan* (Prague, 1858), 121. This is a classic of pre-Beshtian hasidism, and in the introduction the author declares that pietistic practices are appropriate only when practiced by the true hasidim; when practiced by the unworthy the results are religiously negative, see *Sefer Hasidim* (Zhitomir, 1856), first paragraph. Literarily, Landau's use of this source to attack contemporary hasidism is thus particularly apt.

⁴³⁰עד שאתה שואלני נוסח אמירתו יותר ראוי לשאול אם נאמר כי טוב אמירתו. ולדעתי זה רעה חולה בדורנו. ועל הדורות שלפני זמננו שלא ידעו מנוסח זה ולא אמרוהו והיה עמלים כל ימיהם בתורה ובמצות הכל על פי התורה ולפי הפוסקים, אשר דבריהם נובעים ממקור מים חיים ים התלמוד, עליהם נאמר "תומת ישרים תנחם" והם הם אשר עשו פרי למעלה וגדול מעל שמים חסדם. אבל בדורנו הזה כי עזבו את תורת השם ומקור מים חיים שני התלמודים בבלי וירושלמי לחצוב להם בורות נשברים ומתנשאים ברום לבבם, כל אחד אומר אנכי הרואה ולי נפתחו שערי שמים ובעבורי העולם מתקיים, אלו הם מחריבי הדור. ועל הדור היתום הזה אני אומר "ישרים דרכי ה' וצדיקים ילכו בם וחסידים יכשלו בם". והרבה היה לי לדבר מזה, אבל כשם שמצוה לומר דבר הנשמע, כך מצוה שלא לומר דבר שאינו נשמע. וה' ירחם עלינו. *Noda BiYhudah I Yoreh Deah* 93. For a history of the issue and a discussion of this responsum, see Louis Jacobs, *Hasidic Prayer* (New York, 1973), 140-153.

⁴³¹In addition to the two responsa cited here, see *Noda BiYhudah II Orach Hayim* 107, 109, 140; *Yoreh Deah* 201; *Even ha-Ezer* 137.

good, indeed sublime, but only in the right circumstances when performed by qualified persons.⁴³²

This analysis explains why Landau did occasionally publicly advocate certain kabbalistic practices and texts. For example, early in his career Landau did issue three *haskamot*, rabbinical approbations, to kabbalistic books during the years he was connected to the Brody *kloiz*.⁴³³ In rabbinical culture, *haskamot*, whose texts are published in the books, serve to validate the works as legitimate religious literature, as a kind of unofficial imprimatur. In particular, they validate the author of a work as a loyal rabbinical Jew. Thus, the issuing of *haskamot* to kabbalistic books was meant to aid the dissemination of these works, which seemed to contradict Landau's stated opposition to such widespread dissemination among the unqualified public. In addition, Sharon Flatto has documented numerous statements in Ezekiel Landau's works which plainly indicate that he advocated certain kabbalistic practices and interpretations both in the classroom and from the pulpit. Both Landau's *Tzlah*, his edited Talmud lectures delivered in his yeshiva, and his (posthumously) published Prague sermons, contain a number of positive references to kabbalistic doctrine and practice.⁴³⁴ Clearly, in spite of what he himself wrote deprecating the public discussion of kabbalistic matters, Landau did not refrain from doing so himself.

⁴³²A similar attitude was articulated at length by the late seventeenth-century Ashkenazic rabbi Yair Bacharach (1638-1702), a leading authority in his day. See Isadore Twersky, "Law and Spirituality in the Seventeenth Century: A case Study in Rabbi Yair Hayyim Bacharach," 447-467.

⁴³³Landau issued *haskamot* to the following three kabbalistic works: *Magid Mishneh*, by Moses ben Yekutiel Zalman (Zolkiev, 1745); *Arugat ha-Bosem*, by Moses Ostrer, a close friend and colleague in the Brody *kloiz*, see Piekarz, 79-81; and Peretz ben Moshe, *Beit Peretz* (Zolkiev, 1759). Landau's *haskamah* is dated 1753. Peretz ben Moshe was likewise a member of the Brody *kloiz*, see Piekarz, 86-88.

⁴³⁴Sharon Flatto, "Prague's Rabbinic Culture: The Concealed and Revealed in Ezekiel Landau's Writings" (Yale University doctoral dissertation, 2000), 141-174.

Was Landau inconsistent in this matter? Perhaps. By inclination and by his education in Brody he was a kabbalistic pietist. He certainly incorporated numerous pietistic practices in his personal lifestyle.⁴³⁵ Convinced of the religious truth of the Kabbalah and of the metaphysical efficacy of its religious practices *when performed properly*, Landau's religious ideal was a world in which all Jews properly understood and practiced such rituals. Thus, he did not refrain from publicly advocating some of these kinds of practices. On the other hand, the undeniable contemporary reality was that most Jews could not meet the standards of knowledge and character that an Ezekiel Landau regarded as a *sine qua non* for the successful performance of these practices. If one was not properly qualified, then such performance would have negative religious and even metaphysical results. Torn between a desire to implement a religious ideal, and his realization that such efforts could lead to inversion and perversion of proper study and practice, Landau constantly shifted his stance. At times he praised and advocated certain kabbalistic doctrines and practices to certain audiences, particularly, it seems, to groups of his students and members of his community. At other times he affected a general stance which deplored all such references and activities. This is the stance reflected in his responsa.

This shifting of ground is reflected in Landau's issuing of *haskamot*. He issued three, two in 1744-5, when he was departing Brody and its *kloiz*, and one in 1753. During all that time Landau was in contact with the *kloiz* and was in fact a kind of member, as we shall see below. After 1753, during the four most active decades of his career, Landau issued no more *haskamot* for kabbalistic works. In the first half of his life, what seems to have concerned Landau was the dissemination of *incorrect* and *inappropriate* kabbalistic knowledge, not such knowledge in and of itself. The three works to which he issued *haskamot* were composed by men he considered

⁴³⁵See Elazar Fleckeles' eulogy for Landau in *Olat Hodesh ha-Shlishi* (Prague, 1793), 71a-72b.

qualified scholars. Two of the authors, Moshe Ostrer and Peretz ben Moshe, were fellow *kloiz* scholars, intimate friends of Landau's. They were clearly Talmudic and halakhic scholars in addition to, indeed prior to, being sound kabbalistic scholars. The third author did not receive his *haskamah* until he was vetted by Landau and his fellow *kloiz* scholars, as the text of the *haskamah* makes clear:

This author, Moses, sat with us for several weeks in our *beit midrash* (house of study) [and demonstrated] that he is quite capable of engaging in deep scholarship in both non-mystical as well as mystical matters. His own mouth testified [as to his scholarship], for we heard from his mouth much that was insightful and pleasing in non-mystical matters, which are included in this work. A number of those matters which deal with mysticism were examined by the scholars and authors in our *beit midrash*, and they have testified concerning them, and declare them correct.⁴³⁶

In other words, Moses ben Zalman first had to demonstrate his scholarship in Talmud and halakha to the scholars of the Brody *kloiz*. Only after this scholarship had been established did they examine his mystical material. Moses ben Zalman demonstrated that he was the right kind of author, whose work reflected correct kabbalistic information properly integrated with normative non-mystical sources.

The fact that Landau issued no further *haskamot* after 1753, that is, over the four most prominent decades of his career, suggests that other factors influenced Landau to oppose the dissemination of Kabbalah in print, although he personally did continue to spice his classes and speeches with occasional kabbalistic references. Clearly, the threat of heresy, of the contemporary Sabbatian and Frankist movements, was the most important factor in Landau's

See also Flatto, 154-161.

⁴³⁶ והאיש משה ישב אתנו כמה שבועות בבית מדרשנו, ספרו כאן וזיינה עליו יד רב לו למטרה ואסוקי שמעתתא בנגלה ובנסתר. ופומיה מסהיד עליו, כאשר שמענו מפיו כמה וכמה דברים חריפים ונחמדים בנגלה, כאשר יקבע בדפוס. קצתם בנסתר גם כן שקדו חמכמים עליו והמחברים אשר אתנו בבית מדרשנו, נתנו עדיהן והצדיקו כי צדקו דבריו.

calculations. Two important centers of Frankism in the 1750s and afterwards were eastern Poland and Prague, precisely the two places where Ezekiel Landau lived during those decades. Both Sabbatians and especially Frankists looked to the Kabbalah as their source of legitimation. The Frankists explicitly rejected the Talmud in favor of the *Zohar*; indeed, they advocated the burning of the Talmud in Poland in a disputation in Brody in 1756. The Sabbatians had explicitly declared the *Zohar* to be more authoritative than the Talmud in eschatological matters.⁴³⁷ Both Sabbatians and Frankists articulated an actual ideology of antinomianism, which in Jewish terms meant rejection of Talmudic law.⁴³⁸

Such phenomena horrified the rabbinical Jews, including Ezekiel Landau. To him and his fellow rabbis and laymen who rejected Sabbatianism and Frankism as heresy, the rise of this movement represented the greatest contemporary threat to "true Judaism." Since these movements were based on kabbalistic texts and their interpretations, men like Landau reacted by opposing all study of such texts by the public. Indeed, it was precisely in the context of the struggle against local Frankism that eastern Polish rabbis gathered in Brody in 1756 to issue a *herem*, a ban, on the reading of any kabbalistic texts by anyone under the age of thirty, and restricting the reading of Lurianic and other texts to accomplished Talmudists over the age of forty.⁴³⁹ Though Ezekiel Landau was already in Prague by that time, he clearly identified

Haskamah to Moses ben Zalman, *Mafteah Olamot* (Zolkiev, 1745). The *haskamah* is dated 11 Kislev, 5505 (November 16, 1744).

⁴³⁷For the attitudes of the Sabbatians and the Frankists towards the Talmud and the *Zohar*, see Boaz Huss, "Sefer ha-Zohar as a Canonical, Sacred, and Holy Text: Changing Perspectives of the Book of Splendor between the Thirteenth and Eighteenth Centuries," 284-286.

⁴³⁸Gerschom Scholem, "Redemption Through Sin," in *idem, The Messianic Idea in Judaism and Other Essays on Jewish Spirituality* (New York, 1971), 78-141.

⁴³⁹In other words, no one was permitted to read any kabbalistic text until he turned thirty. At that point he was permitted to read the *Zohar*, the *Pardes Rimonim* of Rabbi Moses Cordovero of Safed, and the *Shomer Emunim* of Rabbi Joseph Ergas of Livorno. These last two works were

wholeheartedly with this ban, issued by his friends and colleagues of Brody as well as by other Polish rabbis whose ranks included his cousins and connections.⁴⁴⁰ After 1756 he certainly was not interested in encouraging the publication of new kabbalistic works. Therefore he did not issue any *haskamah* to any kabbalistic work during the four decades he served as Chief Rabbi of Prague. Indeed, he deprecated the public discussion of kabbalistic matters, and in his responsa he assumed the pose of a rabbi who was interested solely in Talmud and halakha, not in Kabbalah, as the two responsa cited above indicate.

In doing so, Landau articulated a particular kind of rabbinic ideal, which resonated with some Jews, rabbinic as well as maskilic, who were opposed to or uncomfortable with mysticism. Ezekiel Landau's published rhetoric indicated that one could be a good Jew, indeed a very great rabbi or rabbinic scholar, and have nothing to do with Kabbalah. One could devote the whole of one's attention to Talmud, halakha, and other non-mystical parts of the Torah and live a religiously fulfilling and righteous life. This was by no means an obvious option for eighteenth century rabbinic Jews. These Jews believed that the Kabbalah was an integral part of the Torah, one which dealt with the highest and most sensitive aspects of Torah knowledge. The logical corollary of such a belief was that no one could be a comprehensive Torah scholar unless he mastered the Kabbalah in addition to the non-mystical parts of the Torah. And yet, here was Ezekiel Landau, arguably the preeminent rabbinical scholar of the second half of the eighteenth century, blithely and repeatedly employing the discourse of one who was fully satisfied to avoid

considered texts written so lucidly that they could not be interpreted in a Sabbatian or Frankist fashion. No other kabbalistic text could be read before the age of forty. For details, see Avraham Yaari *Mehkerei Sefer* (Jerusalem, 1958), 450-453.

⁴⁴⁰Ibid.

all contact with Kabbalah. Landau had no hesitation to declare repeatedly, "I have nothing to do with mystical matters."⁴⁴¹

Thus, Landau himself employed rhetoric designed to foster a myth, an image of himself as a great scholar, saint, and authority divorced from mysticism. Sometimes he employed this rhetoric even as he contradicted it in his words, as is seen in a fascinating responsum. In 1780, Landau was asked about the meaning of two phrases. The first was the kabbalistic formula whose use he had deprecated in the responsum cited above, which he had published four years earlier, in 1776. The second phrase, *galut ha-Shekhinah*, "the exile of God's *Shekhinah* or presence," was a concept mentioned in the Talmud, though much discussed and interpreted in kabbalistic literature.

Responding to the first question, Landau declined to explain the kabbalistic formula, known as *le-shem yihud*.

Why should we reveal the meaning of words we do not find in the two Talmuds, Babylonian and Jerusalem, or in the [Talmudic works known as the] *Sifri*, *Sifra*, or *Tosefta*, nor in the works of the halakhic authorities? Who ever permitted people to recite such phrases? The old days of the earlier generations were better than these [days]. I have already written about this subject in my book *Noda BiYhudah*. Look it up.⁴⁴²

Landau's position on this subject may be contrasted with the positions taken by two other leading Ashkenazic rabbis, Yair Hayim Bacharach and Jacob Emden. Bacharach (1638-1702), a preeminent Rhenish rabbinical authority, wrote that when he was asked by a non-scholarly Jew

⁴⁴¹See note 428 above for examples of this and similar rhetoric in the *Noda BiYhudah*.

⁴⁴²מה לו לגלות פירוש על דברים שלא מצינו בדברי שני התלמודים בבלי וירושלמי, ולא בספרי וספרא ותוספתא, ולא בדברי הפוסקים. ומי התיר להם דברים כאלו? והימים הראשונים היו טובים מאלה. וכבר כתבתי מזה בספרי "נודע ביהודה"...יעיין שם. *Noda BiYhudah II Orach Hayim 107*.

this very question, namely, the meaning of the *le-shem yihud* formula, he had truthfully replied that he did not know, and that he doubted whether any contemporary kabbalist really knew.⁴⁴³

Jacob Emden, Landau's contemporary and a leading rabbinical authority, was provoked by Bacharach's assertion that no one knew the meaning of the *le-shem yihud*. Emden went so far as to publish its meaning in the prayer book he published in 1745, a work specifically written for the general public. Although he admitted being uncomfortable in discussing such matters in public, Emden declared that he was more worried by the spread of misinformation, of the incorrect interpretations of the *le-shem yihud* that were circulating among the broad public. Emden stated that the desire to correct such misinformation outweighed his reluctance to share mystical information of admittedly so delicate a nature that it could be easily misunderstood. And anyway, Emden argued, the publication of kabbalistic works, though deplorable, was a fact. In such an environment, correct information had to be made available to the public.⁴⁴⁴

It is instructive to compare the stances of Emden and Landau concerning the publication and dissemination of Kabbalah, for both lived at the same time in Central Europe and shared similar outlooks in this matter. Both certainly were aware of and frightened by contemporary Sabbatianism and Frankism and the use these groups made of Kabbalah. Emden plainly stated that any written text of Lurianic Kabbalah was intrinsically misleading because the real meaning was the esoteric sense of the words, "and this cannot be written in any book."⁴⁴⁵ In spite of this attitude, Emden was one of the foremost disseminators of Kabbalah in print in the eighteenth century. The famous prayer book he edited and published is replete with all sorts of kabbalistic information, designed to be literally at the fingertips of the Jewish worshiper. Though Emden

⁴⁴³Yair Hayim Bacharach, *Responsa Havot Yair* (Frankfurt, 1699), responsum no. 210.

⁴⁴⁴Jacob Emden, *Siddur Ya'avetz*, originally published in Altona in 1745. See the Jerusalem, 1994 edition, 15-25.

undoubtedly argued that he was presenting his readers with mystical information that was both accurate in content and presented in a manner that was safe from misinterpretation, the fact remains that his prayer book, which proved popular, introduced many worshipers and scholars (the prayer book contains much halakhic information) to kabbalistic concepts, interpretations of prayers, and practice.⁴⁴⁶

Emden, then, included the *le-shem yihud* in his prayer book and sought to explain it. Ezekiel Landau opposed its use and discouraged speculation into its meaning even on the part of rabbinical scholars, as in the case of the responsum under discussion. Indeed, Landau's disciple, protégé, and successor, the Prague rabbi Elazar Fleckeles (1754-1826), related that Landau refused to allow a Prague Jew to recite the ritual blessing over Landau's *etrog*, the citron used in the Sukkot festival, when Landau discovered that the man planned to preface the ritual act with the recitation of the *le-shem yihud*.⁴⁴⁷ Landau was, then, more thoroughgoing than Emden in Landau's opposition to the public discussion and practice of Kabbalah, except for those references he included in his own classes and speeches. As for those references, which as Flatto has shown, included exhortations to audiences to adopt certain kabbalistic pietistic practices, Landau evidently felt that it was appropriate to present certain elements of Kabbalah in carefully controlled environments, such as his classroom and his pulpit. On these occasions, Landau himself presented the material to chosen audiences in a "safe" manner, that is, in a manner which clearly discountenanced incorrect and certainly heretically antinomian interpretations of kabbalistic doctrine and practice. But Landau would do so only in carefully controlled environments. For that reason, Landau, unlike Emden, never agreed after 1753 to the publication

⁴⁴⁵Idel, "Perceptions," 58.

⁴⁴⁶For an analysis of Emden's prayerbook, see J.J. Schacter, "Rabbi Jacob Emden: Life and Major Works," 256-369.

and certainly the dissemination of Kabbalah in print, and in his own writings, his numerous responsa, he cultivated an image of one divorced from and even uninterested in kabbalistic matters.

In the next part of his responsum Landau turned to the question concerning the meaning of the concept of *galut ha-Shekhinah*, God's *Shekhinah* being in exile. Here Landau could not advance the same argument that he had made concerning the *le-shem yihud* formula. The idea that the divine presence is somehow in exile together with the Jewish people, who live exiled from the Holy Land, is mentioned in the Talmud in a number of places.⁴⁴⁸ The fact that it is mentioned in the Talmud meant that it was meant to be read and analyzed by the public, for study of the Talmud was enjoined upon everyone. In other words, though obscure and certainly subject to kabbalistic interpretation, the concept of God or some aspect of divinity being in exile could be explained exoterically, though certainly not literally. This Landau undertook to do, but in an unusual fashion.

First, Landau cited Maimonides' definition of the word *Shekhinah*, usually though loosely understood as the divine presence. Maimonides in his philosophic classic *Guide for the Perplexed* defined *Shekhinah* as a term denoting God's providence or some spiritual entity he created which exists in time and space. This entity is referred to as a "light."⁴⁴⁹ Having quoted Maimonides at length, Landau argued that the two definitions, providence and "light," were

⁴⁴⁷E. Fleckeles, *Responso Teshuvah Me-Ahavah* (Prague, 1809), responsum no. 1.

⁴⁴⁸*Megilah* 28a and numerous other places.

⁴⁴⁹*Guide for the Perplexed* I 25: "In every case this [term] occurs with reference to God, it is used in the sense of the permanence of His indwelling - I mean His created light - in a place, or the permanence of providence with regard to a certain matter." This translation is from Shlomo Pines, *The Guide of the Perplexed* (Chicago, 1963), 55. Maimonides was seeking to indicate that the *Shekhinah* was not God but something created by God, see the article on *Shekhinah* in the *Encyclopedia Judaica* 14, 1352-1353. See the commentary of Nahmanides to *Genesis* 46:1, who understands this to be Maimonides' meaning.

identical; God's providence is a kind of "light," that is, an actual entity created by God, not simply an abstract concept. This entity called divine providence is the *Shekhinah*.

Having established that the *Shekhinah* is God's providence, Landau then had to explain how this could be "exiled." Landau offered a remarkable explanation:

According to the will of the Creator, when Israel does the will of God, then the focus of his providence is on Israel and he bestows upon them an abundant flow of goodness. But since there is an overabundance of bounty, it overflows to other countries and nations. [This is clear from *Leviticus* 26:9 and *Deuteronomy* 11:12 and the commentary of Rashi thereto]. This is the meaning of the idea that the *Shekhinah* rests upon Israel; it means that divine providence, which is called *Shekhinah*, is directed solely towards Israel. This all happens when Israel does God's will. But because of our many sins, we were banished from our land, where divine providence is concentrated, and we were exiled to the lands of the nations. And then the situation was reversed. All the abundant bounty descends upon the nations and from the overflow we receive just enough to get by.⁴⁵⁰

This is a remarkable passage. Although Landau claimed that his interpretation of "the exile of the *Shekhinah*" was based upon the Maimonidean rationalistic approach of the *Guide for the Perplexed*, in reality it is a paraphrase of the *Zohar*, the classic text of the Kabbalah. The *Zohar* states that when the Jewish people are in the Holy Land, they receive the bounty of God directly from him. The surplus is used to supply the rest of mankind. When the Jewish people are exiled from the Holy Land, the situation is reversed.⁴⁵¹ In other words, the *Shekhinah* continues to supply the Jews even when they are in exile, although in a more indirect and less bounteous fashion than when they live in the Land of Israel. Thus, the meaning of the phrase "the

לפי רצון הבורא וכאשר הוא בזמן שישראל עושים רצונו, אז עיקר השגחתו בישראל ולהם משפיע כל שפע טוב,⁴⁵⁰ אלא שמחמת רבוי הטובה מגיע גם כן למקומות אחרים, והדבר מפורש בפסוק... וזהו הפירוש שהשכינה שורה בישראל, שהשגחה שקרויה שכינה הוא רק בישראל. וכל זה כשישראל עושים רצונו. אבל בהתגברות חטאינו ופשעינו גלינו מארצנו ששם הוא מקום התמדת ההשגחה, וגלינו לארצות העמים. ואז נהפוך הוא, שכל השפע הטוב יורד לאומות העולם, ומן התמצית אנו מקבלים מאותה האומה כדי חיותנו בצמצום.

⁴⁵¹*Zohar to Terumah* 152b.

Shekhinah is in exile" is that the *Shekhinah* continues to support the Jewish people when they are in exile.⁴⁵²

Clearly, Landau was presenting a teaching from the Kabbalah. Yet he took pains to cloak it under the guise of Maimonidean philosophy. In addition, Landau was able to argue that the idea's roots could be traced to the exoteric commentary of Rashi to *Leviticus* 26:9 and *Deuteronomy* 11:12, whose source was the *Sifri*, an exoteric part of the Talmud. This source states that God cares primarily for the Land of Israel and only secondarily for the rest of the world.⁴⁵³ Thus, Landau presented a kabbalistic interpretation of the "exile of the *Shekhinah*" without identifying it as such, and he argued that the idea could be teased out of non-kabbalistic sources.

This remarkable responsum reveals the tension within Ezekiel Landau, who viewed the Kabbalah as a source of the most profound truths but which was too dangerous to share with the public in the late eighteenth century. In this case, the desire to share the kabbalistic interpretation was strong enough to lead him to adopt the remarkable strategy of ascribing the *zoharic* teaching to rationalist sources. Landau obviously relied upon the fact that his correspondent would not recognize the source of Landau's interpretation. In this manner, the correspondent and others like him could be discouraged by Landau from pursuing kabbalistic literature even as Landau taught him *zoharic* doctrine.⁴⁵⁴

Again it is instructive to compare Landau's presentation of this idea with that of his contemporary, Rabbi Jonathan Eibenschutz. The latter delivered a sermon in Metz in 1743 in the

⁴⁵²I. Tishby, *Mishnat ha-Zohar* (Jerusalem, 1981) I, 228-231.

⁴⁵³*Sifri to Deuteronomy*, 40.

⁴⁵⁴It is instructive to note that one of Landau's noted Sephardic contemporaries, David Pardo of Venice, Sarajevo, and Jerusalem (1718-1790), explicitly cites the *zoharic* passage in his

course of which he too discussed the definition of *galut ha-Shekhinah*. Eibenschutz gave his audience an explanation identical to Landau's. Unlike Landau, Eibenschutz did not pass it off as a Maimonidean or rationalistic concept but plainly indicated that it was kabbalistic. Indeed, Eibenschutz quoted from Lurianic Kabbalah to the effect that the Jewish people were now in the final exile and that the Europeans ("Esau") were thereby benefiting from the presence of the Jews on their soil. Eibenschutz did not try to present himself as one unlearned in Kabbalah, or that Kabbalah was not an integral part of the knowledge of a Torah scholar. Quite the contrary. Ezekiel Landau, by contrast, tried to cover his tracks.

Landau and Kabbalah in Historiography

Landau's rhetoric in his responsa was obviously designed to foster a kind of myth of himself as a scholar totally preoccupied with the non-kabbalistic portions of Torah literature and practice, who found complete religious satisfaction in such a life. To his correspondents, readers, and admirers from afar, the message was that one could live a full religious life without any kabbalistic component. This myth came to be accepted as fact, particularly by those who disliked Kabbalah and challenged its legitimacy. Prominent in this group were the maskilim and Jewish historians of the nineteenth century.⁴⁵⁵ These biographers of Rabbi Ezekiel Landau were men who admired Landau but disliked Kabbalah. They therefore chose to take his statements disavowing knowledge of or interest in Kabbalah at face value and to ignore or gloss over the

commentary to the *Sifri*, something Ezekiel Landau chose not to do. See D. Pardo, *Sifrei de-Vei Rav* (Salonika, 1799) to *Deuteronomy* 11:12.

⁴⁵⁵On the historiographical effects of the anti-kabbalism of nineteenth century Jewish historians who belonged to the *Wissenschaft des Judentums* and the Haskalah, see Gerschom Scholem,

kabbalistic references in his sermons and lectures collected by Sharon Flatto. Not only were they not interested in such statements, but the fact that such a famous rabbinic authority as Landau was on record as disavowing Kabbalah allowed the nineteenth-century biographers to make use of Landau to represent a rationalist model of Judaism, a personality who lived a model life of scholarship, communal leadership, and personal piety, all without recourse to Kabbalah.

Thus, both Julius Klein and Gutmann Klemperer, Landau's earliest biographers, Bohemian Jewish authors who belonged to the *Wissenschaft des Judentums* movement, portrayed a rationalist Landau. Klein described Landau, in contradistinction to Prague kabbalists and suspected Sabbatians, as an "erklaerten Feinde der Kabbalah," an open enemy of Kabbalah who opposed the introduction into the prayer service of any formula which originated in kabbalistic sources.⁴⁵⁶

Gutmann Klemperer's Landau "is supposed to have very familiar with [Kabbalah], but was not to be included among its admirers, for as Landau wrote often in his works, 'I have nothing to do with secret matters.'"⁴⁵⁷ Klemperer related an anecdote told to him by a student of Landau's. At the age of thirteen, the student sought admission to Landau's yeshiva, and he was duly examined in Talmud by Landau and a rabbinical colleague. The latter piously admonished the student that Talmud study alone was not sufficient. The Godfearing student needed to read pietistic literature as well. "We recommend that you read a chapter of the *Reishit Hokhmah* or the *Sefer Hasidim* every day." These are two classics of mystical pietistic literature, the former originated in thirteenth century German-Jewish mystical pietism, the latter a classic of Lurianic

"Reflections on Modern Jewish Studies," *idem.*, *On the Possibility of Jewish Mysticism in our Time* (Philadelphia and Jerusalem, 1997), 51-71.

⁴⁵⁶Julius Klein, "Zuschrift an Herrn Moses Mendelssohn in Hamburg," 527.

⁴⁵⁷G. Klemperer, *Hayei Yehonatan* (Prague, 1858), 121.

Kabbalah. At this point Landau himself, annoyed at the admonition of his colleague, declared, "Ach, Reb Michel, leave me in peace with your *Sefer Hasidim* and *Reishit Hokhmah*!" Turning to the boy, Landau said, "Let the *RaN* be your *Reishit Hokhmah* and the *RoSH* your *Sefer Hasidim*!"⁴⁵⁸ The *RaN* was Rabbi Nissim of Gerona (1290-1375) and the *RoSH* was Rabbi Asher ben Yehiel of Toledo (1250-1327). These were two classic Talmud commentators, decidedly non-mystical. The point of the anecdote is to portray a down-to-earth, non-mystical Landau whose piety expressed itself in exclusive focus on exoteric Talmudic texts, not pietistic mystical ones.

Elsewhere, Klemperer describes Landau as one who often quoted Maimonides' *Guide for the Perplexed* in his sermons. Klemperer makes no mention of Landau's sermonic references to kabbalistic matters.⁴⁵⁹ In contrasting Ezekiel Landau and Jonathan Eibenschutz, Klemperer writes:

Jonathan was a staunch Kabbalist to whom the teachings of the theoretical and practical Kabbalah were old and holy traditions of divine origin. Accordingly, he favored the distribution of amulets as a cure for the sick. Ezekiel, however, sharply condemned this practice, emphasizing in his writings that he had no interest whatsoever in the secret teachings and voicing his opinion that the distribution of amulets was nothing but a shabby swindle.⁴⁶⁰

This tendentious passage is cleverly written to present Landau as an opponent of all Kabbalah who viewed such practices as the writing of amulets as a fraud. Klemperer's works served as the primary source of information for Mortimer Cohen in his 1937 biography of Jacob Emden.

⁴⁵⁸Ibid.

⁴⁵⁹G. Klemperer, "The Rabbis of Prague," *Historica Judaica* XIII (1951), 58.

⁴⁶⁰Ibid., 62.

Accordingly, Cohen described Landau as "a thoroughgoing rationalist, neither a believer in nor a supporter of Kabbalah...Rabbi Ezekiel...did believe, as one would expect of a rationalist, that amulets in general were a source of danger to Judaism because of the evils that might arise from them."⁴⁶¹

A different, more accurate portrait of Landau appeared in Yekutiel' Kamelhar's 1903 biography. A hasidic writer and biographer, Kamelhar did not hesitate to acknowledge Landau's kabbalistic knowledge and interests. Kamelhar took due note of Landau's disavowals of such interests in his responsa, but he contrasted them with Landau's references to kabbalistic matters in his other writings. Though he did not devote much space to Landau's kabbalistic discussions, Kamelhar's portrait of Landau the sometimes-reticent, sometimes-expansive scholar and practitioner of Kabbalah is appropriately nuanced.

In conclusion, Ezekiel Landau was a product of the rabbinical culture of his time and place. Kabbalah was accorded the highest status in terms of study and even practice. But the contemporary phenomena of Sabbatianism and Frankism were viewed as the terrible result of the inappropriate dissemination of Kabbalah among an unqualified public. The reaction to this was to restrict kabbalistic discussion. Landau was conflicted on this matter, and sometimes did discuss such matters publicly. At other times and especially in writing he opposed such discussions, even going so far as to disavow interest in kabbalistic matters. Certainly the overwhelming bulk of Landau's writings and activities were non-kabbalistic, which was no contradiction to his kabbalistic interests. Indeed, the preoccupation with exoteric Talmudic and halakhic studies was the norm in the Brody *kloiz*.

⁴⁶¹Mortimer Cohen, *Jacob Emden: A Man of Controversy* (Philadelphia, 1937), 187.

Similarly, Ezekiel Landau's *kloiz* friend Hayim Tzanser may have been an enthusiastic student of kabbalah. That did not mean that he was not also an ardent student of non-mystical Talmud and halakha, as is evident from a fascinating halakhic correspondence between himself and Ezekiel recorded in the *Noda BiYhudah*. There the two pursued a thoroughly non-mystical highly intricate discussion in the fine points of *nidah*, the laws governing menstruant women, one of the most complicated fields in halakha. The correspondence reveals that unlike Ezekiel Landau., Hayim Tzanser's halakhic stance was affected by his mystical studies, which inclined him to stringency in halakhic matters. The kabbalists, dating back to the *Zohar*, always inclined to the stricter interpretations of Jewish law and practice, and Hayim was no exception, as is evident from the published correspondence.

The case in the *Noda BiYhudah* which occurred during the early 1750s, involved a woman who had menstruated. Such women, under Jewish law, may not engage in sexual relations with their husbands until after they have ceased menstruating and have undergone certain purification rituals. But what is the legal definition of the cessation of menstruation? According to the halakhic authorities, she must examine her vagina with a white cloth. If no blood or red stains appear on the cloth the law assumes that she has ceased menstruating. In the case dealt with in the *Noda BiYhudah*, every time over the last twelve months the woman examined her vagina some blood or stain appeared on the cloth. A key point in the halakha is that the blood which is problematic is blood which had issued from the uterus. Only uterine blood induces a state of *tum'ah*, ritual impurity which disallows sexual relations. If the woman's condition continued indefinitely, she and her husband would never be allowed to engage in sexual relations, a serious matter indeed. Absent some change in her condition, the only way she could hope to preserve her marriage was to secure a legal ruling that the blood appearing on her

examination cloth was not uterine in origin but was the result of an irritation or a cut in her vagina, A ruling on such a matter involves thorough knowledge of the parameters of *hazakah*, the theory of legal presumption, in Jewish law. Under which conditions is such a presumption (that is, that the blood is not uterine) justified?

The woman in question was a prominent resident of Brody, so her case preoccupied both Hayim Tzanser, who was a leading scholar of the local kloiz, as well as Ezekiel Landau, who at the time had left Brody for Yampol, but who still maintained ties with Brody, and who undoubtedly knew the woman in question. Hayim Tzanser issued a strict opinion on the matter. In a lengthy and very learned argument he asserted that the woman had no halakhic recourse but to assume that the blood was uterine. Ezekiel Landau, in an even lengthier opinion, strikingly dissented. Subject to certain complicated conditions mandated by the extreme complexity of the halakhic regulations, Landau permitted the woman to legally assume that the blood was not uterine, effectively granting her the right to resume normal sexual relations with her spouse. In the course of his dissent, Landau wrote to Hayim Tzanser, whom he described as his dearest friend, admonishing him for his refusal to avail himself of certain perfectly acceptable interpretive strategies that would allow him (Tzanser) to issue a lenient ruling. Indeed, Landau applied to him Asher ben Yehiel of Toledo's famous criticism of Abraham ben David of Posquieres. Asher (1250-1327) felt that Abraham (1120-97), a Provencal Talmudist and kabbalist, was too stringent in certain matters of law. "When a great scholar is aware of a legitimate lenient interpretation of the law yet refuses to avail himself of this leniency out of a sense of humility and self-denial, that is all right. However, let him take care not to burden others

with his stringencies!"⁴⁶² It should be stressed once again that in spite of this tendency to stringency, Hayim Tzanser's arguments are strictly halakhic and pilpulistic, not kabbalistic.⁴⁶³

And yet, despite these halakhic tendencies, Ezekiel Landau retained much of the *kloiz* rituals throughout his life. In his eulogy for Landau, Elazar Fleckeles, Landau's disciple and successor in the Prague rabbinate, described how Ezekiel Landau never slept on a bed until he reached his seventies, did not change his clothes during the week, wore sack cloth under his garments, frequented the purification waters of the mikveh, the ritual bath, and refrained from sitting while he was in the synagogue or was teaching, all well-known ascetic practices. In other words, while he did not preach ascetism to his students or resort to it in legal rulings, he did personally practice them, remaining the *kloizner* until his health broke down in the last decade of his life.⁴⁶⁴

462 אם אדם חשוב מרוב ענוותנותו ופרישותו אינו רוצה לסמוך על עצמו לעשות מעשה, ינהג מנהג פרישותו עצמו. אבל לא ליתן לכתוב להורות בו לאחרים...

463 The case of the menstruant is covered in the first volume of the *Noda BiYhudah* (*Yoreh Deah*, responsa 43-46). In a later responsum to the rabbi of Pressburg, Meir Barby (ibid., 48), Landau refers to the responsum cited here as having been written fourteen years previously. Barby became rabbi of Pressburg in 1763 (*Encyclopedia Judaica* 4, 207). Thus the responsa under discussion were written in the early to mid 1750s. The first of the four responsa is Landau's. The second is the responsum of Yitzhak Horowitz, another veteran of the Brody *kloiz*, who was at the time rabbi in Harakhov. The third responsum is that of Hayim Tzanser. The final responsum is Landau's rejoinder to Tzanser.

Regarding Hayim Tzanser's intense interest in non-mystical Talmud study, see the interesting polemic he wrote against what he considered false pilpul, Mendel Piekartz, *BiYmei Tzmemihat ha-Hasidut*, 308. See also Hayim's interpretation of the statement in tractate *Avot*, "an ignorant person cannot be a hasid," as a criticism of those who spend their time performing various mitzvot at the expense of their (non-mystical) Torah study (ibid., 344, cited from Tzanser's commentary to *Avot* entitled *Ne'edar Bakodesh*, 13a).

On the tendency of the *Zohar* and the kabbalists in general to *humra*, stringency in legal rulings, see Jacob Katz, *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Jerusalem, 1998), 9-55. See also, in general, Louis Jacobs, *A Tree of Life: Diversity, Flexibility, and Creativity in Jewish Law* (Oxford, 1984), 69-81.

464 Elazar Fleckeles, *Olat Hodesh Shlishi*, 91b.

Hayim Tzanser was not the only comrade and study partner of Ezekiel Landau. A number of names have come down to us in the sources. The most notable was that of Yitzhak Horowitz (1715-67), who was indeed very close to Landau and whose own subsequent career was quite prominent.⁴⁶⁵ There are numerous parallels between the two, and their paths often crossed later in life. At the time Yitzhak Horowitz first arrived in Brody, his father Yaakov Horowitz was the rabbi of nearby Bolechov, the home of the famous memoirist, Ber of Bolechov. Indeed, *Ber* refers in his memoirs to Yaakov Horowitz in glowing terms; among other things we learn from *Ber* that Yaakov Horowitz was quite wealthy. Yaakov's son Yitzhak became a companion of the young Ezekiel Landau. Both demonstrated great promise as rabbinical scholars, and both married well. Ezekiel married one daughter of Yaakov of Dubno, who possessed substantial holdings in Brody; Yitzhak Horowitz's brother married the other daughter.⁴⁶⁶ Yitzhak Horowitz himself, at the age of thirteen, married Reitzta, the daughter of Yaakov Babad, who was, as we have seen, the most prominent, wealthy, and controversial Jew in Brody.⁴⁶⁷ Yaakov Babad, it will be recalled, was

⁴⁶⁵After serving as rabbi of the small towns of Leshnov and Harakhov, Horowitz occupied in succession three of the leading rabbinate posts of the day: Glogau, Brody, and Altona-Hamburg-Wandsbek (winning election over the rival candidate for the latter two posts, Ezekiel Landau). For biographical information on Yitzhak Horowitz, see the introduction to his responsa collection, *Mat'amei Yitzhak* (Pieterkov, 1904), E. Duckesz, *Iwoh le-Moschaw* (Hamburg, 1903), 53-59 (Heb. section); Kamelhar, *Dor Deah*, 40-43; and Gelber, 57-58. Yitzhak Horowitz was not the only scholar among his siblings. His sister Leah was an unusually learned woman for her time. Leah was the author of *tshines*, women's prayers, which she composed, not only in the customary Yiddish, but in Hebrew and Aramaic as well, see Hava Weissler, *Voices of the Matriarchs: Listening to the prayers of Early Modern Jewish Women*, (Boston, 1998), 104-125.

⁴⁶⁶Y. Raphael, "Le-Farshat ha-Yehasim bein Rabbi Yehezkel Landau ve-Rabbi Yitzhak Halevi Ish Horowitz [The relationship between R. Landau and R. Horowitz], *Sefer Yovel li-Khevod Yosef Dov Halevi Soloveitchik*, volume 2 (Jerusalem, 1984), 1148-1149.

⁴⁶⁷Such very early marriages were the norm for the members of the elite, see Reiner, "Wealth," 289. See also Ezekiel Landau's report that his elder brother "was married off to the daughter of the Rabbi of Ostrog one half-month before his bar mitzvah." These remarks may be found at the very end of *Noda BiYhudah*, *Tinyana*, *Even Ha-Ezer*, 54, at the conclusion of a lengthy correspondence concerning the validity of a marriage contracted by a minor (the groom was

the founder of the *kloiz* of Brody, together with his son-in-law, Hayim Landau, Ezekiel's cousin. In other words, Yitzhak Horowitz married a girl who was the daughter and the sister-in-law of the founders of the institution in which he was studying. Yitzhak's relations with Ezekiel Landau were personal as well as scholarly, and when Ezekiel issued his permissive ruling in the case of the menstruant, he insisted on soliciting the view of his friend and colleague: "Under the above conditions I now give my assent on the matter of this woman, but only if my honored relative by marriage and by blood, the distinguished Rabbi and Gaon of the holy community of Harakhov (i.e., Rabbi Yitzhak Horowitz), will concur with my ruling."⁴⁶⁸

In 1735, when he was twenty and Ezekiel Landau twenty-two, Yitzhak's father was elected rabbi of Brody, further augmenting Yitzhak's position in the community. In the same year, Ezekiel's uncle, Yitzhak Landau, with whom Ezekiel's father had quarreled in Opatow, took up residence in Brody as Chief Rabbi of the Lvov district (not identical with the chief rabbinate of the city of Lvov). In other words, Yitzhak Landau lived in Brody, but he was not Chief Rabbi of Brody; Yaakov Horowitz was. This unusual situation was probably due to Landau's desire to reside in a cultural metropolis such as Brody, which was formally but not actually subject to his authority, rather than in some Ruthenian backwater.

twelve years old), who had subsequently disappeared, leaving his wife a possible *agunah* (unable to divorce or to remarry). See also Hundert, *Opatow*, 76.

⁴⁶⁸ *Noda BiYhudah op. cit.*, end of responsum 43. Landau went on to add: "I further wish to add that my ruling is not to be relied upon unless it is agreed to by his (i.e., Horowitz's) brother-in-law, who will carefully review my opinion in the company of the other scholars of the *kloiz* founded by the late Yaakov Babad. Only if at least seven of the scholars of the *kloiz* confirm my ruling in writing do I issue this ruling."

Another close *kloiz* comrade of Ezekiel's was Abraham Gershon Kutover, famous in history as the brother-in-law of the Besht.⁴⁶⁹ Abraham was also the brother-in-law of the rabbi of Kutu, in eastern Galicia, hence his name. Abraham and Ezekiel Landau were both members of the same elite: scholarly, comfortable, and well-connected. Indeed, one of the most celebrated stories in hasidic literature describes the shock Abraham felt when his sister married the Besht, who was most definitely not a member of this class. Abraham exerted himself to block the *mesalliance*, an effort which was perfectly understandable. Of course, eventually the Besht won him over.⁴⁷⁰

In the hasidic classic, *Shivhei ha-Besht*, Abraham is described as one of the presiding judges in Brody.⁴⁷¹ As we shall shortly see, Ezekiel Landau was another one of these presiding judges. Thus the two were both *kloizners* whose halakhic expertise and social station earned them prestigious judicial posts at a very young age. The two men were also given to the ascetism which seems to have prevailed at the *kloiz*, although Abraham was by far more extreme in his practices. He is even said to have fasted from Sabbath to Sabbath.⁴⁷² Abraham and Ezekiel were destined to be allied in a struggle which occurred some years later in Brody (see below), and in general, judging from the tenor of their correspondence, their relationship was very warm.

⁴⁶⁹Abraham Gershon Kutover was the subject of a biographical essay by Abraham Joshua Heschel, see his *Circle of the Baal Shem Tov*, 44-112. According to one Hasidic (Habad) tradition, Abraham Gershon was a relative of Ezekiel Landau (Abraham Heilman, *Beit Rabbi*, Berdichov, 1903, 176). Heschel notes that this does not seem to be accurate, for in his letter to Abraham Gershon (*Noda BiYhudah I Even Ha-Ezer* 73, Ezekiel, while bestowing upon Abraham Gershon a wealth of honorific titles, does not address him as *שאר בשרי*, "flesh of my flesh," which is the title accorded to a relative in such literature. [Remarkably, the author of *Beit Rabbi* observes that "as is well known, Ezekiel Landau used to address Abraham Gershon as "flesh of his flesh"!]

⁴⁷⁰*Shivhei Ha-Besht* Weinstock edition (Jerusalem, 1983), chapter 4-10.

⁴⁷¹Ibid.

⁴⁷²Heschel, *Circle*, 45.

These facts concerning the relationship between Ezekiel Landau and Abraham Gershon Kutover must be taken into account when assessing the relationship of Ezekiel Landau to the Hasidic movement of the eighteenth century. It has become a commonplace in the historiography to include Ezekiel among the *mitnagdim*, the strong opponents of hasidism.⁴⁷³ Historians have done so primarily on the basis of Landau's responsum of 1776 against the hasidic practice of reciting a "prayer before a prayer."⁴⁷⁴ This responsum does not prove anything about his attitude towards the hasidic movement of the 1730s and 1740s, when hasidism revolved around the personality and the teachings of the Besht, who died in 1760. There are, to be sure, a number of hasidic tales which describe Ezekiel Landau as a pronounced skeptic vis-à-vis the claims of the Besht. That does not mean that he was an active opponent of the movement. There is no documentary evidence of that.

On the other hand we do know that Ezekiel Landau was the very close and intimate friend of the Besht's brother-in-law, Abraham Gershon Kutover, who became an enthusiastic Beshtian sometime during that era. It is inconceivable that Ezekiel did not hear positive first-hand information about the Besht from Abraham. A hasidic story from this period - the story is recited below - indicates the high opinion the Besht had of Ezekiel Landau. Again, although the story may be apocryphal, there can be no doubt that the Besht heard good things about Ezekiel Landau's scholarship and character from Abraham Gershon. In general, the description of

⁴⁷³See, for example, Simon Dubnow, *Toldot HaHasidut* (Dvir, Tel-Aviv, 1930), 166; Jacob Katz, *Divine Law in Human Hands*, 524, where Ezekiel is described as "a sworn opponent of ..deviations, including Hasidism;" Aaron Marcus, *Ha-Hasidut* (Bnei Brak 1980), 69 (Hebrew translation of German work published in 1901); Louis Jacobs, *Hasidic Prayer* (New York, 1972), 151-2. For the *Mitnagdim* as a group, see Allen Nadler, *The Faith of the Mitnagdim* (Johns Hopkins University Press 1997).

⁴⁷⁴This responsum was discussed above. There is another statement of Landau's in his *Tzlah* to *Berakhot* 11b, criticizing those who changed the order of parts of the traditional Ashkenazic morning prayer service. This is, of course, a reference to the hasidim.

Ezekiel Landau and the hasidic movement needs a more nuanced and chronologically differentiated treatment than it has received in the historiography.⁴⁷⁵

For its part, Hasidism has treated Ezekiel Landau with the greatest respect, even when it acknowledges his opposition to the Besht and to the Hasidic movement. This respect is reflected in Hasidic tales dating back to the second and third generations of Hasidic masters. The following three tales are examples of this tendency:

1.) Hearing tales of the marvelous deeds of the Besht and how he helped barren women, it is said that Rabbi Yitzhak Horowitz and his close friend Rabbi Ezekiel Landau would deride the Besht publicly. When this was reported to the Besht, he cautioned his disciples: "Be careful with these two honored sages, for half the earth rests upon their merits - the swarthy Itzik and the thin Ezekiel (*Oif dem Schwartzem Itzik un dem daren Yehezkel shteht a halbe velt*). Therefore I command you not to rush off and speak ill of them."⁴⁷⁶

2.) Rabbi Israel of Ruzhin once went for a stroll with one of his elder hasidim who was a grandson of Rabbi Ezekiel Landau. Said Rabbi Israel: "Since you are a grandson of the rabbi of Prague, let me tell you what I heard from Rabbi Abraham Joshua Heschel of Opatow, who in turn heard it from Rabbi Yehiel Mikhel of Zlotchov, at the time that the *tzadik* (hasidic leader) was suffering from the antagonism of your grandfather. This is what Rabbi Yehiel Mikhel said: 'I harbor no grudge against [Ezekiel Landau], for God

⁴⁷⁵It is interesting to note that when Yekutiel Kamelhar, who wrote the first biography of Landau in 1903, described Ezekiel as an opponent of Hasidism, he and his book were vituperatively criticized by Kamelhar's Galician fellow Hasidim, who refused to believe that someone as revered as Ezekiel Landau had ever made disparaging remarks concerning the great Hasidic masters. Indeed, the matter became a *cause celebre*, and it provides a very interesting case-study of the response of Hasidic Jews to modern historiography. For details, see the biography of Kamelhar, *Ha-Tzofeh le-Doro*, by Y. Mondschein (Jerusalem, 1987) 47-50. It is also interesting to note that in a later collection of rabbinical, especially hasidic, biographies published thirty years later, Kamelhar took pains to accentuate the positive in the relations between Ezekiel Landau and the Besht. For example, Kamelhar relates that the Besht declared that Ezekiel's soul was a band-new soul, not a recycled one as is the case with most people. In kabbalistic terms, this is a very high appraisal indeed and it bespeaks the utmost respect. On the other hand, a second story is more nuanced. Ezekiel's wife Lieba lost a jewelry-box in Brody. According to the story Lieba was related to Abraham Gershon Kutover, which meant that she was connected to the wife of the Besht. Lieba approached the Besht, who prayed for her to recover the jewelry-box. The Besht did so and the box was found. Lieba excitedly related the story to Ezekiel, who "laughed and did not say a word." (Kamelhar, *Dor Deah I*, 28)

⁴⁷⁶Heschel, *Circle of the Baal Shem Tov*, 166.

commanded him to oppose the Hasidim. You see, when the heavenly court decided that it was time for the soul of the Besht to descend to this world, the voices of all kinds of prosecuting angels spoke up, arguing that if this were to be allowed, the messianic redemption of the Jewish people would be brought about before its foreordained time. But at that moment, whole choirs of kindlier angelic voices chimed in [favoring the birth of the Besht]. So it was decided that the soul of the Besht would indeed be sent down to this world - but at the same time another lofty soul would be sent down here, to dwell in a man who would also be a leader of his generation, but an antagonist to the teachings of the Besht and his disciples. That man was your grandfather, the rabbi of Prague!⁴⁷⁷

3.) The hasidic leader Rabbi Hayim Halberstamm of Zanz (1793-1876) stated that "if nowadays we Hasidim had opponents of the caliber of Ezekiel Landau and his colleagues, I would join them, so holy and high-minded were they. Those old opponents of Hasidism were certainly superior to the Hasidim of our day."⁴⁷⁸

Ezekiel Landau clearly enjoyed the very best of connections in Brody, and the 1730s were happy years for him, and it was not without justification that he recalled the Brody years so fondly later in life. It was during these years that he began his climb to rabbinical prominence. Like other large Polish and central European communities, Brody had not one but four *batei din*, Jewish law-courts.⁴⁷⁹ Judges elected by the community were divided into four teams, each team serving one week in rotation. This system reflected the plentiful supply of scholars in Brody who were qualified to serve as judges; indeed, according to Yakobka Landau, the judges served gratis. Yakobka, who lived in Brody throughout the second half of the eighteenth century, records in his biography of his father that he (Yakobka) was told that Ezekiel not only served as one of the judges at the tender age of twenty, but that Ezekiel was the *av beit-din*, president or chief judge of his "team." Such a statement is quite credible, given Ezekiel's connections to the

⁴⁷⁷Shlomo Yosef Zevin, *Sippurei Hasidim* [Hasidic Tales], (Jerusalem, 1955), 387-388.

⁴⁷⁸Cited in Kamelhar *Mofet ha-Dor*, 58-59.

⁴⁷⁹Vilna, Grodno, and Zolkiev had two courts, Opatow three, Prague, four, and Lvov six. For a description of this phenomenon, see S. Assaf, *Batei Din ve-Sidreihem Ahar Hatimat ha-Talmud* [Courts and Their Procedures in the Post-Talmudic Era] (Jerusalem, 1924), 49-50.

most prestigious and powerful families in the community. It does indicate an early official recognition of his unusual abilities as a scholar, not just of the Talmud, but of the halakha.

The two were not identical. There were many rabbinical scholars who were able Talmudists and pilpulists, but undistinguished halakhists. They were able to successfully operate the pilpulistic methodology described in the preceding chapter. Such persons might be outstanding abstract theorists. They may have mastered many pages of the Talmud and its commentaries. That did not automatically mean that they had mastered the voluminous literature of the halakha, which consists of the great law codes of Maimonides, Jacob Asheri, and the Shulchan Arukh, together with their basic commentators, to say nothing of the very large responsa literature.⁴⁸⁰ Similarly, there were many notable halakhists or jurists who did not distinguish themselves as pilpulists or abstract Talmudic theoreticians. But there were a fair number of scholars who distinguished themselves in both areas, and Ezekiel Landau was one of them.⁴⁸¹

The way one perfected one's knowledge of halakha was by serving as an officiating rabbi, and even more, as a judge. In these posts one had to answer numerous halakhic questions on a daily basis, especially in a large and variegated community. A judge in a city like Brody had a

⁴⁸⁰The best survey of the halakhic, as opposed to the Talmudic, literature is Menahem Elon, *Jewish Law: History, Sources, Principles*, (Philadelphia, 1994). The best basic history and survey of the responsa remains S. Freehoff's *The Responsa Literature*, (Philadelphia, 1955).

⁴⁸¹A reflection of the difference between the Talmudist and the halakhist may be seen in the following account concerning two very eminent rabbis of the eighteenth century, Jacob Joshua Falk and Jonathan Eibenschutz. Falk was the author of the *Penei Yehoshua*, a major talmudic commentary. Eibenschutz, for his part, published two famous commentaries on the *Shulkhan Arukh: Kreiti U'Fleiti* and *Urim ve-Tumim*. A popular story relates that Falk was a famous halakhist. As such he was considered a competent but not particularly distinguished Talmudist. To disprove this notion he wrote a major work of talmud commentary. Eibenschutz, on the other hand, was the most famous pilpulist of his day. Accordingly he was thought not to be especially distinguished as a halakhist. To disprove this notion, he authored two major halakhic works. See S.Y. Agnon, *Sefer, Sofer, ve-Sippur* (Tel-Aviv, 1978), 320-321.

substantial docket, and Ezekiel Landau undoubtedly gained invaluable halakhic experience in this post, and at a young age.

For four years (1733-37) Ezekiel Landau served as a communal judge, acquiring experience and expertise. At the age of twenty-four he began to compose his own responsa, formal written halakhic answers to legal questions.⁴⁸² A responsum took the form of a learned opinion, and a good responsum included a thorough, critical, review of the existing rabbinic literature on a particular subject, the application of the law to the case in question, and the argumentation upon which the ruling was based. The responsum had no formal weight *per se*. Its authority was entirely a function of its content and the reputation of its author, as is generally the case in the world of scholarship. Ezekiel Landau would go on to compose thousands of responsa over the next fifty-five years, becoming one of the great responsa writers of all time.

An examination of one of these early responsa indicates some of Ezekiel Landau's unusual qualities. A question was submitted to the twenty-seven-year-old Landau in 1740 by the rabbi of Ostrowiec, a small town not far from Opatow. The question involved an *agunah*, a "chained" woman, that is, one whose husband had disappeared and who could therefore not remarry without convincing the Jewish court that there existed sufficient circumstantial evidence to assume that the husband had died. Under Jewish law, only the husband has the power to divorce; a court cannot legally decree a divorce. If the woman remarries and subsequently it is discovered that the husband is still alive, any children from the second marriage are classified as *mamzerim*, illegitimate, forever forbidden to marry anyone other than another *mamzer*. Because the consequences of error are so severe (the *mamzer* transmits his legal status and its accompanying disabilities to all his descendants), cases involving missing husbands are

considered among the most serious in Jewish law, the exclusive province of the *gedolim*, the "great rabbis," the leading experts in the halakha. Accordingly, the fact that the 27 year-old was consulted in such a case was quite a compliment to the young rabbi.

The case involved a husband who had fallen into a river and had not been seen alive afterwards. The body had indeed been fished out of the water and identified by one witness. A couple of hours later, a second witness identified the man's clothing, which had been removed from the corpse. This satisfied two communal rabbis, the rabbi of Opatow and the rabbi of Tarnogorod, who issued a permit for the woman to remarry. The rabbi of Ostrowiec, the home of the couple, turned to the young Ezekiel Landau to solicit a third, concurring, opinion.

Now, the turning to the young *dayan* of Brody may have been a mere formality; once the other two, senior, rabbis of Opatow and Tarnogorod had issued a permit the matter seemed cut and dried. Halakhic convention generally sought to secure at least three concurring opinions on *agunah* ruling (Later in his career, when as a leading rabbi he was called upon to deal with *agunah* cases, Ezekiel Landau himself was to solicit such trios of concurring opinions on more than one occasion),⁴⁸³ and most likely the rabbi of Ostrowiec imagined that Ezekiel Landau would do as expected. However, Landau, after an initial *de rigeur* pro forma declaration of self-abnegation, undertook in a lengthy treatise to contradict the opinions of the two rabbis, and by a careful analysis of the relevant legal sources to argue that the testimony of the witnesses did not satisfy the halakhic requirements. Ezekiel went down the line of the classic halakhic authorities and demonstrated that each of them would find fault with the testimony. Indeed, the 27 year-old

⁴⁸² "From the age of twenty-four, I 'opened the gates of response'." (ומבן ארבעה ועשרים, להשיב) (פתחתי שערים) (Ezekiel's introduction to the *Noda BiYhudah*).

⁴⁸³ See for example, *Noda BiYhudah Even Ha-Ezer* 29: "I permit this woman to remarry, but do not act upon this permit until you secure concurring opinions from the Chief Rabbis of Lvov,

dayan repeatedly asserted that the two rabbis of Opatow and Tarnogorod had erred, a most serious charge in such a case. "Although I have sincerely tried to find a way out for this unfortunate woman," Ezekiel concluded, "I cannot do the impossible. In this case it is clear that all the authorities hold that this woman may not remarry."⁴⁸⁴

This responsum indicates independence of mind, independence fatal in this case to the *agunah*. It would have been easier to simply issue a brief concurring opinion, relying upon the ruling of the senior, more respected rabbis. Ezekiel Landau would not do so. In addition, Landau must have been aware that his criticism of the rabbi of his hometown could not fail to have consequences that would affect his own family. Although his father had died two years before, his uncles and relatives were still in Opatow, and the 1740 was a time of great tension in the town.⁴⁸⁵ In spite of all this Ezekiel gave his own thoroughly researched and closely argued dissenting opinion, which, in the nature of things, was itself subjected to critiques by subsequent halakhic commentators.⁴⁸⁶ This independence of mind would characterize him throughout his halakhic career.

On the other hand, the desire to express independence of thought, harmless in some theoretical Talmudic discussion, could be dangerous in a legal ruling which has a real-life effect upon other human beings. In this case Ezekiel Landau's desire to examine the sources in a fresh way left a victim in a woman unable to remarry, and he himself later acknowledged the problem in his approach. An older and wiser Landau, familiar with the responsibilities of office and

Tchortkov, and Stanislav." Along the same lines, see the end of Responsum no. 31, and in general, most of his responsa dealing with *agunot*.

⁴⁸⁴*Noda BiYhudah I Even Ha-Ezer* 28.

⁴⁸⁵Hundert, *Opatow*, 127-131.

⁴⁸⁶There is an entire section of such criticisms in the 1994 *Makhon Yerushalayim* edition of the *Noda BiYhudah Even Ha-Ezer*, 385-387.

leadership, attributed his stance in this ruling not to independence, but to the overcautiousness of inexperienced youth. When the responsum was published, thirty-six years later, Landau appended a remarkable retraction: "When I wrote this [responsum] thirty-six years ago I was young and excessively cautious in halakhic matters. I was therefore too inclined to favor the stricter approach to the law over the lenient...Now, however, [as I review this responsum] I see that in this case I ruled incorrectly. I retract my former ruling."⁴⁸⁷ We do know whether the woman in question thirty-six years earlier was able to remarry on the strength of the rulings of the rabbis of Opatow and Tarnogorod. In 1776 Ezekiel Landau hoped she was.

In the same year he joined the court, Ezekiel began to teach. If the halakhist learned his trade on the court, the Talmudist sharpened his pilpulistic and educative skills in the classroom. The *Noda BiYhudah*, a collection of responsa, is the literary monument to Ezekiel's abilities as a halakhist. The *Tzlah*, an edited collection of his lectures to students, is the monument to his skills as a Talmudist and a pilpulist. In the introduction to the first volume of the *Tzlah*, Ezekiel proudly stated, "All my life God has favored me with students with whom to learn, ever since I was twenty years old."⁴⁸⁸ The phrase: "students with whom to learn" is significant. The pilpulistic process required the give-and-take between avid and active students, ready to challenge every suggestion of the teacher. Only in this manner could theories really be tested and refined. The lectures were not halakhic. That is, they were not directed towards eliciting the correct legal conclusion from the text. Rather, the emphasis was on the Talmudic text as such.

אמר יחזקאל: תשובה זו כתבתי בילדותי זה ערך שלשים ושש שנה. ומחמת שהייתי צעיר לימים הייתי מיראי⁴⁸⁷ הוראה ביותר, ונטיתי ברוב הסברות להחמיר יותר מלהקל...אבל עכשיו הדרגא בי ודברים שאמרתי טעות הם בידי כל ימי מיום הייתי בן עשרים זיכני השם בחסדו ללמוד עם תלמידים⁴⁸⁸

Clearly, Landau's later success as a teacher was in no small part due to the fact that from an early age, he enjoyed the luxury of capable students willing to listen to him and to engage him.⁴⁸⁹

Thus, the decade 1733-43 was a busy and productive period in Ezekiel Landau's life. He was far more than just another well-connected member of the *kloiz*, although that in itself was a prestigious and rewarding fellowship. Of all the scholars of the *kloiz*, Ezekiel was destined for the greatest renown. It was during these years that he was laying the foundations for one of the most brilliant rabbinical careers of the century.

*A Sod far Ganz Brod*⁴⁹⁰

It seems clear that had he had his way, Ezekiel would have remained at Brody for the rest of his life. The city had everything he required. Many of his fellow members of the *kloiz*, such as Hayim Tzanser and Moshe Ostrer, did just that, living out their days in honor, scholarship, and piety. So did Ezekiel's eldest son, Yakobka, who turned down numerous proffered rabbinate and remained a citizen, a leading citizen, of Brody. Even more telling, seven years after becoming Chief Rabbi of Prague, Ezekiel submitted his name as a candidate for the rabbinate of Brody, evidently preferring the latter place to Prague, which by almost any calculus was a larger and more prestigious community.⁴⁹¹

⁴⁸⁹*Tzlah* (Jerusalem, 1995), I, vi.

⁴⁹⁰ "A secret known to the entire community of Brody," a humorous Yiddish oxymoron.

⁴⁹¹ Gelber, 57. Interestingly, the one rabbinate Yakobka Landau was interested was that of Brody. In 1785 he sought the position but, like his father, failed to win election. Meir Wunder, *Encyclopedia of Galician Rabbis and Scholars* (Heb.) (Jerusalem, 1986) III, 651.

It was not to be. A scandal occurred in 1742 which caused Ezekiel to leave Brody, never to return, that is, never to live there again. The details of the affair have come down to us from a number of sources, including a series of responsa in the *Noda BiYhudah*.⁴⁹²

The affair involved the scandalous behavior of "Madame X," that is, a married woman who was not named in the responsa. She is referred to as a member of a powerful and influential family⁴⁹³ in a faraway community.⁴⁹⁴ In the twentieth century the Brody historian N. Gelber researched the Polish judicial archives and identified her as Haya Bernstein of Brody.⁴⁹⁵ Haya's father was Tzvi Hirsch of Zamosc, "*av beit-din* of Brody."⁴⁹⁶ We do not have information concerning this man. Such a title usually denoted the chief rabbi of Brody, but Yaakov Horowitz, not Tzvi Hirsch, occupied that post.⁴⁹⁷ As mentioned previously, the courts of Brody were divided into four teams of judges, with Ezekiel Landau head of one team though he did not bear the title. In all likelihood the title of *av beit din* was an honorific position, the preserve of a wealthy and powerful communal personage.⁴⁹⁸

We most definitely do have considerable information about Haya's husband and father-in-law. Haya was the wife of Aryeh Leib Bernstein of Brody. Aryeh Leib was the son of Yitzhak Yissachar Berish Babad, grandson of the founder of the dynasty. Yitzhak Yissachar Berish was most definitely a powerful communal personage. A maternal grandson of the founder of the Babad dynasty and a maternal nephew of Yaakov Babad, founder of the *kloiz*, Yitzhak Yissachar

⁴⁹² *Noda BiYhudah I Even Ha-Ezer* 72-74. My description of the facts of the case follows the account given in these responsa.

⁴⁹³ משפחת האשה ואבי הבעל המה תקיפים ואנשי זרוע

⁴⁹⁴ אשכנזים קצה ארץ לועז

⁴⁹⁵ Gelber, 55.

⁴⁹⁶ Wunder, I (Jerusalem, 1978), 623.

⁴⁹⁷ See above.

Berish was a very wealthy and well-connected citizen of Brody. A successful merchant, he enjoyed particularly close relations with Josef Potocki, the owner of Brody, and he knew how to use his connections to further his own ends. Yitzhak Yissachar Berish would eventually go on to occupy the lucrative post of Rabbi of the Tailors Guild, second in importance only to the Chief Rabbinate (there were no non-Jewish tailors in Brody, so the guild was quite powerful, and whoever occupied the post of their rabbi was entitled to the fines levied upon members who violated guild statutes). He would also become embroiled in controversy as an aggressive leader of the "Brody Interest" in the controversy over the "Lvov Question" which raged from 1746-64, and which ended up in the royal courts. In the course of this controversy, Yitzhak Yissachar Berish, relying upon his Potocki connections, did not hesitate to defy a ban of the regional *vaad* and have himself "elected" *rosh medinah*, head of the province, over the protests of the rest of the Jews of Ruthenia. Once elected, he proceeded to use his position to apportion the taxes in an outrageous manner, essentially freeing the community of Brody from all taxes at the expense of the rival communities of Lvov and Zolkiev. In addition, Yitzhak Yissachar Berish alienated his own community of Brody by contracting loans on behalf of the community which he then used for his own businesses, and by other questionable practices. These involved him in considerable strife in Brody, but Yitzhak Yissachar Berish invariably triumphed over all opposition because of his connections to Potocki.⁴⁹⁹

⁴⁹⁸We do know that Haya's family was powerful enough to affect the election of the rabbi of Brody in 1743, see Gelber, 56.

⁴⁹⁹Gelber, 35, 41-44. For more about the colorful and controversial political and economic activities of Yitzhak Yissachar Berish, particularly his connections with the powerful magnate Prince Michael Radziwill, see Adam Teller, "The Magnates' Attitude to Jewish Regional Autonomy," in: *Scripta Hierosolymitana* XXXVIII (Jerusalem, 1998), 262-269. For the institution of Rabbi of the Tailors' Guild (רב דהייטין), see I. Halpern, *Eastern European Jewry: Historical Studies*, (Hebrew) (Jerusalem, 1968), 165-174.

Haya, then, certainly had a powerful father-in-law. Her husband, Aryeh Leib, followed in his father's footsteps. In 1742 he was a young man in his twenties, who had for a short time held the post of rabbi of the small town of Zbarazh, a community of a few hundred Jews. Subsequently he had returned to Brody, where he would go on to become an extremely wealthy merchant, to enjoy the best of connections with the Polish, and later the Austrian, authorities, and to become as embroiled in controversy with his fellow Jews as his father.⁵⁰⁰

Aryeh Leib was no ignoramus. In the *Noda BiYhudah* there is a letter to him from Ezekiel Landau responding to certain scholarly and pilpulistic criticisms Aryeh Leib had leveled against a particular legal conclusion of Landau's concerning menstruants. Such critiques are, of course, the coin of the realm in scholarly literature, and in his reply Landau eagerly welcomes them: "Such [pertinent criticisms] afford me the greatest pleasure. On the contrary, the comments of those who write simply to concur are of no value."⁵⁰¹ Landau went on to deliver a vigorous point-by-point rebuttal of Aryeh Leib's criticisms, a number of which, he added pointedly, betrayed superficial thinking. However, the letter is couched in the friendliest possible terms and is full of protestations of affection as well as high compliments of Aryeh Leib's scholarship, compliments which exceed the norm in the *Noda BiYhudah*.⁵⁰²

⁵⁰⁰See Gelber's biographical monograph, "Aryeh Leib Bernstein, Chief Rabbi of Galicia," JQR 14 (1923-24), 303-27.

⁵⁰¹ אדרבא, דין הניין לי, והמסייע אין בו ממש.

⁵⁰²This letter (*Noda BiYhudah* I *Yoreh Deah* 42) has been ignored by almost all the scholars who have dealt with this issue, especially N. Gelber, who devoted a lengthy monograph to Aryeh Leib Bernstein, see preceding note. The sole exception is the orthodox historian Reuven Margoliot. In a article entitled "To Remove Slander" (להסיר דיבה), Margoliot sought to refute Gelber's identification of "Madame X" with the wife of Aryeh Leib Bernstein, the ancestress of a number of illustrious nineteenth century Galician rabbis, including R. Zvi Hirsch Chayes and R. Saul Nathanson. Essentially, Margoliot adduces two pieces of evidence to prove that Mrs. Bernstein could not have been the woman in question. First, the letter in the *Noda BiYhudah* indicates that the warmest and friendliest relations existed between Ezekiel Landau and Aryeh

This, then, was the woman whose reputation was at the center of the controversy which broke out in 1742, not long after a great fire had destroyed the entire town.⁵⁰³ According to Landau's remarks in the *Noda BiYhudah*, rumors had been rampant for some years that Haya, a married woman who cannot have been older than twenty-two or twenty three, and who may have been younger, had been engaging in sexual intercourse with other men. Indeed, Landau claimed that rumors had been particularly rampant from time to time in the past, but Haya's family had taken steps to suppress them.⁵⁰⁴ In spite of these efforts the scandal exploded in the late summer of 1742.

Leib Bernstein, relations which must have been the exact opposite if she was indeed Madame X. This is especially the case if, as seems to be the case, the letter was written after Landau had left Brody as a result of the scandal. The second piece of "evidence" is the fact that Ezekiel's grandson, Elazar Landau (1778-1831), married Rivele, the widowed daughter of Haya and Aryeh Leib Bernstein sometime in the first two decades of the nineteenth century. Elazar Landau moved to Brody where the couple remained married until Elazar's death. Such a marriage, argues Margoliot, is inconceivable if Haya were really the adulteress in question. [On the other hand, it should be noted that Elazar Landau did not enjoy good relations with the other members of the Landau family who resided in Brody, especially his Uncle Yakobka. The bad feelings may have precisely due to Elazar's marriage to Rivele Bernstein.] See *Sinai* 26, 116-119; Gelber, *Brody*, 167; and Wunder III 612.

It should also be pointed out that a major nineteenth century Galician rabbi, Hayim Halberstamm, while naming no names, did describe Madame X as being the ancestress of a very distinguished family (ההתירו האשה אשר אסרה הנודע ביהודה ויצא ממנה דור משפחה חשובה ובנים חשובים) (כידוע לכל). The entire affair, Halberstamm stated, was "common knowledge." It certainly seems that Halberstamm was referring to Aryeh Leib and Haya, see Responsa *Divrei Hayim* II (*Even Ha-Ezer* 35). See also the Hasidic version of the story as well as that of Kamelhar (see below), both of which describe the woman as Haya, indirectly but clearly in the Hasidic story, directly in Kamelhar.

Although Margoliot raises an interesting question, there can be no question as to Haya's being "Madame X," for Gelber found a Polish court document in Brody describing her as the lady in question, see footnote 495.

⁵⁰³The conflagration occurred on May 6, 1742 (Gelber, *Brody*, 31). It was this fire which led, ironically, to Brody's emergence as a preeminent commercial center, as the account of Ber of Bolechov, quoted at the beginning of this chapter, makes clear.

⁵⁰⁴*Noda BiYhudah* I, *Even Ha-Ezer* 72. Suppression of rumors of sexual impropriety by the powerful is nothing new. The Babylonian Talmud makes specific provision for such a phenomenon, and the provision is incorporated into the Shulkhan Arukh, the official code of Jewish law, see Babylonian Talmud, *Yevamot* 25b and *Shulkhan Arukh Even Ha-Ezer* 11:1.

In Jewish tradition, Rosh Hashanah is not only the Jewish New Year, it is also *Yom Ha-Din*, Judgment Day, when the individual is judged by God for his/her conduct during the preceding year. The month before Rosh Hashanah is traditionally a time of repentance. In Brody, as in many other communities, it was a time for penance, when many would repair to the *beit din* to confess their sins and request a specific penance. Indeed, the *beit din* typically commissioned a special board of *berurei aveirot* ("sin commissioners"), who were to hear confessions and prescribe penances.⁵⁰⁵ A number of men appeared before the board and confessed that they had engaged in sexual relations with Haya Bernstein. The *beit din* found itself in a delicate situation. The confessions could not be ignored, and not simply because of the morality of the matter. Under Jewish law, a wife who commits adultery must be divorced by her husband; if the husband does not do so, the couple is living in sin.⁵⁰⁶ If the *beit din* was convinced that Haya had committed adultery, it was their legal responsibility to see to it that the husband divorced her, even if he did not wish to do so. On the other hand, to compel a divorce in this case was extremely difficult because of the power of the family. Indeed, the *beit din* initially did not publish the testimony. Instead it approached Haya's husband and father-in-law at night, secretly and under cover of darkness, and as delicately as possible indicated that they ought to be amenable to a divorce without publicizing the reasons for the procedure. In short the *beit din* was highly sensitive to the scandal involved and wished to avoid publicity. However, the reaction of the family was not what the court had hoped for. After several days of silence, the father-in-law

⁵⁰⁵ For the historical phenomenon of confession and penance in the Jewish community, see Louis Jacobs, *Theology in the Responsa* (London, 1975), *passim*. For the institution of *berurei aveirot*, see Abraham Neuman, *The Jews in Spain* (Philadelphia, 1942) I, 125. For the popularity of public confession in eighteenth century Poland and the controversy it stirred among some rabbis see Responsa *Panim Me'erot* II #178. See also Heschel, *The Circle of the Baal Shem Tov*, 53.

⁵⁰⁶ *Shulkhan Arukh Even Ha-Ezer*, 11:1.

approached the *beit din* and respectfully asked for the witnesses to be reinterrogated after being warned about the sin of perjury and about the serious consequences of their charges. This was done, and the witnesses - two in number, the minimum required under Jewish law - reiterated that the woman was an adulteress. One witness testified that he himself had engaged in sexual intercourse with Haya at the end of the month of Iyar (May) of that year. The second witness testified that Haya had offered to have sex with him on two occasions, once immediately after having had sex with another man (The witness did not actually see the couple engaged in intercourse, but he came into the room with the two of them in bed and with the other man's semen all over her genitalia. According to the witness, Haya had laughingly called to him to have sex with her there and then but he declined, repulsed by the sight of the semen.). On the second occasion he had gotten into bed with her but had not actually consummated the intercourse.

When he was apprised of this, the father-in-law exploded and demanded to know the identities of the witnesses, for he was determined to flog them to death. The *beit din* refused to reveal the identities of the witnesses. The father-in-law insisted, and then-and-there he convened a formal session of the *kahal*, which proceeded, under his domineering influence, to summon the witnesses, who once again repeated their testimony to a shocked assemblage. The charges were so scandalous and the rage of the father-in-law so terrifying that no one had the nerve to suggest summoning the woman herself to face her accusers. Eventually the *beit din* summoned the woman to face her accusers, but she declined to do so, instead demanding that the accusers come and testify in her house. The *beit din* insisted that she comply with judicial procedure and appear in court, and a tug-of-war ensued, the upshot of which was that she declared that she would not

have anything to do with these proceedings. This was a legally wise if controversial move on her part, for ordinarily it is legally essential that testimony be given in the presence of the accused.⁵⁰⁷

Although initially the father-in-law wavered under the impact of the testimony, he eventually rallied and determined that the entire proceeding be quashed and that the insult to the family honor be avenged, if for no other reason than *pour discourager les autres*. The first thing he did was to launch a propaganda campaign impugning the character of the witnesses. This, however, did not take, at least in Brody, where the *beit din* made sure to examine every charge made against the witnesses. None of the charges held up under cross-examination. Undaunted, the father-in-law repaired to Jewish courts in other communities and had similar charges registered against the said witnesses. The out-of-town courts were of course not in a position to searchingly cross-examine the impugning witnesses, who accused one of the Brody witnesses of being a thief.

In the most controversial act of all, the father-in-law took his complaint to the Polish authorities, relying upon his connections with the Potocki administration. Sure enough, the Polish court took the side of Yitzhak Yissachar Berish Babad and issued a decree condemning the "libel" and threatening anyone who even spoke about it with a heavy fine and a flogging.⁵⁰⁸

⁵⁰⁷ *Shulkhan Arukh Even Ha-Ezer* 11:4 (in adultery cases), and *Hoshen Mishpat* 28:15 (in civil cases).

⁵⁰⁸ The court document is cited by Gelber, *Brody*, 55.

Meir Balaban, in his history of the Frankist movement, discusses a Polish Episcopal letter from a collection in Lvov which describes an incident in Brody somewhat similar to our case: Jewish penitents confessed to "confessors" how they had fornicated with women in the community. The ensuing scandal resulted in the breakup of marriages and families. The women in question were castigated in particularly harsh terms by the district *vaad*. The women thereupon turned to the town owner Potocki, who dissolved the session of the *vaad* and punished its leading members. See Meir Balaban, *Toldot ha-Tenuah ha-Frankit* [History of the Frankist Movement] (Tel-Aviv, 1935), 72. Heschel (*Baal Shem Tov*, 53) argued that the case referred to was that of Haya. However, Heschel's thesis is untenable. The date of the document is 1752. Heschel suggests that the correct date is 1742. However, he neglected the fact that the incident is

Through these means Yitzhak Yissachar Berish felt confident that the entire affair would be suppressed and that it would go away.

He was wrong. The high-handed methods, especially the resort to a Christian court, constituted a flagrant *Hillul Hashem*, a "desecration of the name of God," the most heinous of sins in the traditional Jewish hierarchy of values.⁵⁰⁹ The chief rabbi and the *beit din* were outraged; their position had been rendered untenable, and indeed within a short time the chief rabbi resigned.⁵¹⁰

For his part, Berish Babad was not passive. Anxious to avoid disgrace, he solicited favorable halakhic opinions from respected rabbinic jurists supporting his assertion that the testimony of the witnesses against Haya was flawed and did not constitute grounds for convicting his daughter-in-law. Two such opinions have survived. One, surprisingly, is from Berish's political opponent, Hayim Kohen Rapoport, Rabbi of Lvov, against whom the Babads had organized an entire party in the "Lvov Controversy."⁵¹¹ In addition, Berish secured a favorable halakhic opinion from Yissachar Dov Berish of Podhajce, who was the son of Jacob Joshua Falk, author of the celebrated Talmudic commentary, *Penei Yehoshua*, and one of the

referred to in an episcopal circular by the Bishop of Brody, Kubielski, as an example of Jewish political powerlessness. The circular was issued in July of 1752 and clearly states that the incident has just taken place, on June 24, 1752. The circular was merely the latest in a series issued by the Bishop following his "debate" with the Jewish community of Brody which had occurred ten years earlier. At that time the Jews had given forceful replies to Kubielski's theological arguments, and the Bishop had not forgiven or forgotten. All through the following decade (1742-52) he had continued to issue pastoral letters containing attacks on Judaism. The letter of July 1752 was merely the latest in the series. For the relevant information see Balaban, 98 and Gelber, 95-105.

⁵⁰⁹For a list of classical rabbinic sources for this theological concept, see *Encyclopedia Talmudit* XV (Jerusalem, 1979) 356-7.

⁵¹⁰Gelber, 56; Heschel, 56.

⁵¹¹*Responsa Hayim Kohen Rapoport*, Kreiswerth edition (London, 1957), *Even Ha-Ezer* no. 9 (pp. 110-112). Rapoport was the great opponent of Yitzhak Landau for the chief rabbinate of Lvov, see Adam Teller, "The Magnates' Attitude to Jewish Regional Autonomy," 260-262.

preeminent rabbis of the day. A contemporary of Ezekiel Landau (both were born in the same year), Yissachar Dov Berish, sickly by nature, would die within months of the scandal at the age of 32. Yissachar Dov Berish, like Ezekiel was connected to the Babads; his brother married the daughter of Hayim Landau, the son-in-law of Yaakov Babad, patron of the kloiz.⁵¹²

It seems that Yissachar Dov Berish's opinion circulated in Brody and made an impression. It succinctly made the case that Haya was not legally bound to divorce. Yissachar Dov Berish listed six basic legal problems with the testimony against Haya:

- a.) In order to have their testimony accepted, both witnesses need to remember the exact date of the alleged event. In this case, one of the two witnesses could not recall the exact date.
- b.) The witnesses claimed that they themselves had sex with Haya. In Jewish law testimony involving self-incrimination is inadmissible, except in certain very specific situations.
- c.) The two witnesses testified about two separate acts of adultery, on two different occasions. Each witness testified concerning a different act. There were authoritative legal opinions to the effect that to legally establish that scandalous behavior (כיעור) had in fact taken place, the court needs two witnesses to the same act.
- d.) The honesty of the witnesses had been impugned, which rendered their testimony too open to suspicion to compel a divorce, at least according to some schools of thought in the world of Jewish law.

⁵¹²For the biographical information, see Wunder, IV 107.

- e.) The ruling of the Shulkhan Arukh that when a couple has children, courts may not compel a husband to divorce unless there are two witnesses to an actual consummated act of sexual intercourse. The second witness, of course, had not seen such an act.
- f.) The accused had not been present at the taking of the testimony of the witnesses. Such a flaw renders the testimony unacceptable.⁵¹³

Armed with these opinions, Aryeh Leib did not divorce Haya. The couple remained married for decades, a prominent, influential and increasingly powerful pair.⁵¹⁴

On the other hand, the scandal would not just go away. We do not know whether or not Ezekiel Landau was a member of the particular *beit din* that adjudicated the case, but we do know that he became passionately involved in the affair. When he published the *Noda BiYhudah* four decades later in 1776, Landau included in it a long responsum, *Even Ha-Ezer* 72, concerning the affair. This responsum is undated and purports to be an actual responsum to a query addressed to Landau by "Ashkenazic scholars from a faraway land."⁵¹⁵ It names no names and gives no hint to the reader as to the identity of the persons or places involved. Indeed, this responsum is a fascinating example of how publishers of responsa collections are able to craft the particular kind of past they want their readers to envision. For Landau, after outlining in the "query" the relevant facts of the case, immediately proceeds to make the observation that upon initial reflection, he could think of six possible arguments to allow the woman to remain

⁵¹³This responsum, which of course contains the halakhic argumentation and sources for each of the six points, is published in an appendix to the Responsa of Hayim Kohen Rapoport, 243-244.

⁵¹⁴ Gelber, "Aryeh Leib Bernstein, Chief Rabbi of Galicia;" *idem.*, *Brody*, 87-88.

⁵¹⁵שאלה שלוחה אלי מחכמים אשכנזים קצה ארץ לועז

married.⁵¹⁶ Upon mature reflection, however, all six arguments were flawed, leaving a court with no choice but to find the woman guilty and to require her husband to divorce her. The six arguments, of course, were not really those of Ezekiel Landau but those of Yissachar Dov Berish of Podhajce. Nevertheless, after listing them Landau reiterated, "these are the six arguments that occurred to me at first glance."⁵¹⁷ After studying the issue, however, "it is incumbent upon the scholars of this generation to declare her prohibited to her husband." ⁵¹⁸

By 1776, when the "responsum" was published, Yissachar Dov Berish had long been dead, and his opinion had not been published (it was not published until the mid nineteenth century). Clearly, Landau did not want to identify the true author of the six arguments, for that would have identified the principals, which is precisely what Landau wished to avoid.

In his responsum, Landau proceeded at very great length to do his best to demolish each of the six arguments. What is remarkable about this responsum is the argumentation he employs to challenge an opinion permitting a couple who wishes to remain married to do so.

Traditionally, Jewish courts and scholars have been reluctant to break up marriages, and when plausible grounds exist for permitting a couple who wish to remain together to do so, the overwhelming judicial tendency is to be lenient.⁵¹⁹ The findings of Hayim Kohen Rapoport and

⁵¹⁶ והנה סעיפי היתרי האשה זאת לפי קצר השגתנו המה ששה, כאשר נכתבם בפרטות

⁵¹⁷ הרי לך ששה היתרים אשר עלה על רעיוני בתחילת העיון והמחשבה

⁵¹⁸ Actually, there was a seventh argument, which Landau did not address. Moreover, Landau does not present the six arguments in the same order as they are found in the published version of Dov Berish's responsum. Apparently, Landau did not see the original responsum but a copy. Alternatively, Dov Berish may have thought up the seventh argument at a later date, although this is unlikely, for he died not long after the affair. In any event, it is inconceivable that Landau would not have addressed the seventh argument had he seen it.

⁵¹⁹ This phenomenon is a basic feature of rabbinic responsa dealing with marriage-related issues. Indeed, even when courts have knowledge that a wife has committed adultery but the husband is unaware, they do not necessarily inform the husband, although the letter of the law would have require them to do so. Although years later Ezekiel Landau took a stringent position on this issue, many rabbis disagreed and refrained from informing the husband and ending the marriage. See

Yissachar Dov Berish were consistent with this tendency, and although they were private opinions, not those of a *beit din*, they certainly demonstrated that a case could be made, on technical grounds if nothing else, to permit the marriage to continue. In this context Landau's essay is most unusual. For it undertakes to rebut each and every assertion of Yissachar Dov Berish's, including those assertions that are clearly defensible, any one of which would suffice to dismiss the case.

Let us examine a number of examples of Landau's unusual argumentation in this essay. Yissachar Dov Berish had pointed to the law in the Shulkhan Arukh that states: "Some say that if witnesses come to testify that a married woman has committed adultery, they must be subjected to *drishah ve-hakirah*."⁵²⁰ *Drishah ve-hakirah* is the term for a series of preliminary questions the witnesses must answer satisfactorily before their testimony can be heard by the court. Essentially these questions concern the exact place, hour, and date of the alleged event. Where *drishah ve-hakirah* is required, failure to give exact answers to these questions disqualifies the testimony. In this case one of the witnesses could not recall the exact date of Haya's alleged tryst, which disqualifies him. Under Jewish law, no conviction can be obtained without two qualified witnesses. Accordingly, argued Yissachar Dov Berish, the case deserved to be dismissed for lack of adequate testimony.

Ezekiel Landau rejoined that the ruling of the Shulkhan Arukh was not a universally accepted opinion, and that there were authorities who held that witnesses in an adultery case

Noda BiYhudah Orah Hayim 35 for Landau's ruling, and *Responsa Divrei Hayim* (Lvov, 1875) for the views of those who disagree. Some went so far as to argue that if the husband does not know, he is fully permitted by the law to remain married to his wife, see the sources cited in *Responsa Teshuvot ve-Hanhagot* III (Jerusalem, 1997), no. 410.

⁵²⁰ *Even Ha-Ezer* 11:4. Such statements, though couched in the formula of "some say," are considered normative rulings of the law code, see Hayim H. Medini, *Sedei Hemed* (Warsaw 1910) IX, *Kelalei HaPoskim* 16-20.

were *not* required to undergo *drishah ve-hakirah*. He went on to argue that in any event the Shulkhan Arukh was referring to a case where the witnesses were testifying in a capital case, which this case was not. That is, under Jewish law, although adultery is a capital crime, a sentence of death is possible only when the witnesses warned the woman beforehand, something that did not happen in Haya's case. Accordingly the case of Haya involved divorce and loss of alimony, which jurisprudentially classified this case as monetary, quite different from capital cases. In such cases the requirements of *drishah ve-hakirah* could be relaxed. Just because a witness could not recall the date did not automatically disqualify him.⁵²¹

Landau further argued that the rule requiring witnesses to satisfactorily answer the *drishah ve-hakirah* stemmed from the law's desire to expose the testimony to *hazamah*, impeachment by other witnesses who could testify that the first pair of witnesses were somewhere else at the time of the alleged crime. Under Biblical law (*Deuteronomy* 19:16:21), the lying witnesses were liable to suffer the precise punishment they intended to cause the alleged perpetrator to suffer. For example, if two witnesses testified that a certain person had committed a capital crime despite the fact that they had warned him, the man is executed. If, however, a second pair of witnesses testify that the first pair were elsewhere at the time of the alleged crime, the first pair are executed, for that is the fate they intended for the man about whom they lied. By requiring the witnesses to clearly state the time and place of the alleged

⁵²¹ A fine discussion of the halakhic issues involved may be found in Mordechai David Cohen, *Edut u-Shtarot* (Jerusalem 1983), 189-221. See also *Encyclopedia Talmudit* VII, 638-664. Twenty-eight years later, in the context of a somewhat similar scandal, Landau reiterated many of these same points in a responsum to his relative, the rabbi of Hotzenplotz, see *Noda BiYhudah* I *Even Ha-Ezer* 57.

crime, the law hoped to discourage liars, who had to realize that they might be exposed by others and subjected to the punishment they sought to impose upon their innocent victim.⁵²²

Now, in Haya's case it was impossible to apply the law of *hazamah*, for the witnesses intended that Haya's husband divorce her. According to the Talmud, it was not legally possible to force the witnesses to divorce their wives.⁵²³ Since *hazamah* was not applicable, the *drishah ve-hakirah* requirement lost its force, and if a witness could not recall the date, it would not disqualify him.

At this point in the argument, Landau realized that his own argument was open to two criticisms. First of all, his case was based upon a ruling by the Tosafists, certainly an authoritative basis for any halakhic theory. However, the Tosafists came to their conclusion regarding the connection between *hazamah* and *drishah ve-hakirah* in the context of responding to a problem they discerned at the beginning of Tractate *Makkot*. To resolve the problem, the Tosafists offered two possible solutions, only one of which supported Landau's argument. The other supported the opposing contention, that of Yissachar Dov Berish.

Secondly, Landau was faced with the ruling of the *Shakh*, one of the very authoritative commentaries to the Shulkhan Arukh.⁵²⁴ The *Shakh* stated that even in monetary cases where *drishah ve-hakirah* were not required, nevertheless, if the court went ahead and asked those questions, failure to give satisfactory replies disqualifies the witness. This ruling, of course, disqualified one witness in the case at hand.

With great skill and subtlety Landau undertook to prove that first of all, the solution offered by the Tosafists that supported his contention was the only real, tenable, solution. The

⁵²² *Encyclopedia Talmudit* VIII, 609-623.

⁵²³ Babylonian Talmud, Tractate *Makkot*, 2a.

other solution offered by the Tosafists was not meant to be taken seriously. As regards the ruling of the *Shakh*, Landau argued at some length that the *Shakh* was simply wrong.

The above represents a tiny part of the complex argumentation contained in this lengthy "responsum." What is striking is the observation that an objective reader cannot help conclude that, arguments aside, it certainly *is* possible for a *beit din* to conclude that the testimony was damaged. Landau's arguments are certainly plausible, but so are the arguments of the other side. A *beit din* could, after all, base its disqualification of the testimony on the ruling cited by the Shulchan Arukh. While one could disagree with it as Landau had, one could also agree with it. That is the whole point of its being included in the Jewish law code! To argue that the other side *had* to accept his analysis and to therefore rule that Haya *had* to leave her husband is most unusual. Similarly, the ruling of the *Shakh* might be open to subtle challenge. On the other hand, Jewish courts routinely base their rulings upon the *Shakh*. A decision based upon that ruling could not be declared invalid or insufficiently grounded. The same goes for the reference to the Tosafists. Although Landau could argue that the second theory of the Tosafists was sounder than the first, a court *could* argue that the first was equally sound and base its verdict on such a finding.⁵²⁵

Ezekiel Landau, then, devoted much energy and ingenuity to denying a court the *option* of permitting the couple to remain married. Why did he do this?

⁵²⁴ "The *Shakh* [by Shabbetai HaKohen (1621-62)] is one of the most important and authoritative commentaries on the *Shulchan Arukh*." M. Elon, *Jewish Law* III, 1426.

⁵²⁵ As we shall see, the *Hakham Bashi*, the Chief Rabbi of Constantinople, who certainly was not a party to the case, reached the halakhic conclusion that the couple did not need to divorce. It is also interesting to note that in a similar case, a contemporary of Landau's, Chief Rabbi Joseph Steinhardt of Fuerth (1720-1776), likewise ruled that the testimony was inadmissible on grounds similar to those of Haim Rapoport and Dov Berish, see *Responsa Zikaron Yosef* (Fuerth, 1773), *Even Ha-Ezer* 7.

A number of reasons suggest themselves. First of all, Ezekiel Landau was not a detached legalist in this matter but a resident of Brody who was related and even friendly with the parties. The question was not something that happened "in a faraway land" whose details were known to him only from some dry rabbinical query or court document. Landau had firsthand knowledge of the affair. Towards then end of the responsum, in his discussion of the sixth argument of Yissachar Dov Berish of Podhajce, Landau states that he himself interrogated the second witness, but he did so alone; there were no other judges present. This indicates that Landau, though possibly not a member of the original tribunal that heard the testimony of the two witnesses, must have nevertheless, as a member of the Brody judiciary, involved himself sufficiently in the case to personally talk to the witnesses. He was personally convinced of Haya's guilt, so he was in conscience bound to endeavor to have the couple divorce. If this is true, then Landau did not reach his halakhic ruling by his lengthy argumentation. Rather, he reached his conclusions based on his own knowledge of the facts, and the lengthy responsum was written to justify his personal conclusions on legal grounds. In this respect there can be no doubt of the tendentious nature of this responsum.

It is not impossible that Landau was a member of the actual *beit din* referred to in the responsum, the *beit din* that was subjected to rude and even violent treatment at the hands of Haya's father-in-law and his patrons. As a member of the *beit din*, Landau would of course have been outraged and determined to justify the ruling of the *beit din*, and oppose any attempt on the part of the father-in-law to justify his outrageous conduct by appeal to outside halakhic experts.

Although published in 1776, the "responsum" was written and circulated at the time of the affair. By identifying himself with the opposition to Haya, Landau exposed himself to the

wrath of her faction, who had secured the support of the town owner and his officials, as we have seen. What happened next has come down to us in the form of a hasidic tale.

At the time when the *gaonim* Rabbi Hayim Tzanser and Rabbi Moshe Ostrer were heads of the *kloiz* in Brody, two of the leading scholars of that *kloiz* were the *Gaon*, Rabbi Ezekiel Landau, author of the *Noda BiYhudah*; the *Gaon*, Rabbi Meir Margolios, (later) Rabbi of Ostrow; and the *Tzadik*, Rabbi Abraham Gershon Kutover, brother-in-law of the Baal Shem Tov. In the city there was also a Chief Rabbi of the province.

Suddenly a public outcry arose concerning the Chief Rabbi's wife to the effect that she was promiscuous. The scholars of the *kloiz* conducted a thorough investigation and concluded that the charges were true and that the rumors were continuous and were not going away. The scholars of the *kloiz* wanted to "apply the law" to the woman, but they were afraid [to do so] because the Chief Rabbi was empowered by the non-Jewish government.

When the Chief Rabbi heard that the scholars of the *kloiz* were raising an outcry against his wife, [saying] that she was an exceedingly promiscuous adulteress (מופקרת לזנות מאד), he issued a decree that if anyone should dare to speak ill about his wife he should be publicly flogged or fined 100 *adumim*. The three abovementioned rabbis immediately repaired to the *kahal* building located adjacent to the Chief Rabbi's quarters. Rabbi Ezekiel proclaimed in a loud voice in front of all the people, "You should know that the Chief Rabbi's wife has abandoned herself to adultery and is [consequently] prohibited to her husband!" He proclaimed this three times. Having said this he paid the fine, 100 *adumim*. He did this to make a *Kiddush Hashem*, a public sanctification of God.

Then Rabbi Meir Margolios did likewise. He, however, had no money with which to pay the fine, so he was flogged.

Then the sainted *Gaon* Rabbi Abraham Gershon Kutover did the same thing. He, too, had no money, and they wanted to flog him then and there. However, because of the great commotion - for a great crowd had assembled - he had the opportunity to flee the city... to his brother-in-law the Besht, in Miedzyborz...

The Besht said that these three rabbis had made a *Kiddush Hashem* by their actions. As a reward each would be granted greatness. "The *Gaon* Rabbi Ezekiel," the Besht said, "will one day become Chief Rabbi of Prague. The *Gaon* Rabbi Meir will become Chief Rabbi of Ostrow and Lemberg. And the *Gaon* Rabbi Abraham Gershon will move to the Holy Land and become a prominent leader there."

All of these predictions came true. ⁵²⁶

A typical hasidic tale, the story was published in *Emunat Zadikim*, a collection of such tales in Warsaw in 1900, a century-and-a-half after the affair, and it has traces of an oral account

⁵²⁶ *Emunat Tzadikim* (Warsaw, 1900), #33 (p. 19).

increasingly fudged in the process of transmission.⁵²⁷ Haya was the wife of Aryeh Leib, who became "Chief Rabbi of the Province" of Galicia in 1772, thirty years after the affair.⁵²⁸ It was Aryeh Leib's father, not the "Chief Rabbi," who was able to impose the penalty of fines and floggings, which were administered by the Polish, not the Jewish, court. The tendency of the story is obvious, namely, to show the prophetic power of the Besht.

In spite of these inaccuracies, the essential core of the story seems reliable: Ezekiel Landau, a member of the court, refused to close his eyes to what he and his colleagues saw as a scandalous situation, and his opposition was so spirited that it resulted in penalties, financial, according to the story. It is interesting, and a testament to the veracity of the core story, that Ezekiel Landau is portrayed, unlike the other two rabbis, as being in a financial position to pay the fine, which reflects his favorable economic position in Brody. As we have seen, he was indeed well-off.

This hasidic account was further embellished two years later, in 1902, by Yekutiel Kamelhar, a Galician hasidic rabbi who published a biography of Ezekiel Landau called *Mofet Ha-Dor*, "The Wonder of the Generation." Citing "the well-known tradition in Brody" (המסורה בברודי), a tradition which amplified the published account in *Emunat Tzadikim*, Kamelhar gave an amusing twist to the story. The decree had been that anyone who called the Chief Rabbi's wife a harlot (*zonah* in Hebrew) would have to pay a fine of one hundred *adumim* every time such a statement was made, so that if one called her a *zonah* two times he would have to pay 200 *adumim*, and so forth. Ezekiel Landau came to the court with 100 *adumim* in his purse

⁵²⁷On the other hand, Heschel does cite a Polish archival document which states that "for some reason, a certain rabbi was expelled, and driven from the city of Brody." See *The Circle of the Ba'al Shem Tov*, 55.

and proclaimed, "Know ye that the Chief Rabbi's wife is a *zonah*, and here is the money for the fine for calling her a *zonah*. If I had more money I would call her a *zonah* a second time. Since I have no more money I must limit myself to calling her a *zonah* only once." In this fashion he succeeded in calling her a *zonah* four times for only 100 *adumim*.⁵²⁹

This story reflects the image of Ezekiel Landau as the pilpulist and lover of puns, word-plays, *double-entendres*, and *bon mots* we know him to be from his writings. And, of course, it transforms Landau from the victim to the victor in his encounter with the forces of the evil Chief Rabbi. In fact, however, Ezekiel Landau was not the winner at all. The aborted trial of Haya seems to have taken place in 1742.⁵³⁰ Landau's responsum was composed a year later, some time in late 1743.⁵³¹ Why the gap of an entire year? Did it take that much time for Haya's father-in-law to secure favorable halakhic opinions from Yissachar Dov Berish of Podhaicz and from Hayim Kohen Rapoport, and for Ezekiel Landau to compose his detailed refutation? Perhaps. It is also possible that at first Landau refrained from involving himself in the affair for some time, inasmuch as it involved his relatives and friends, the powerful Babads.

Whatever the reasons, Landau's stand rendered his position in Brody untenable. The expulsion of the rabbi of Brody, Rabbi Horowitz, was a serious breach of accepted norms, and caused havoc among the local judges and courts, exposing, as it did, their ultimate powerlessness in the face of wealthy and well-connected communal leaders. Indeed, the following remarkable

⁵²⁸ Gelber, "Aryeh Leib Bernstein, Chief Rabbi of Galicia;" Kamelhar, *Mofet HaDor*, 69-72.

⁵²⁹ Kamelhar, 8-9.

⁵³⁰ See note 508 above.

⁵³¹ In *Drashot Ha-Zlah*, in the thirteenth discourse, delivered on the Sabbath before Yom Kippur in September of 1752, Ezekiel refers to the responsum he wrote concerning the "Brody Affair" as having been written "nearly nine years ago." (*Drashot Ha-Zlah*, Jerusalem, 1995 edition, 182).

statement is recorded in the summer of 1744 in the *pinkas*, the official record-book of the Jewish community of Brody: "Our eyes have witnessed the collapse of the rule of law in our community, and no one is concerned to restore it."⁵³² In such a situation, Ezekiel Landau must have been made to feel increasingly uncomfortable, especially if Potocki's outrageous "gag order" remained in place. Landau's cozy personal relations with the Babads obviously deteriorated. It is true that there is evidence in the form of a friendly letter that Ezekiel and Aryeh Leib had patched up their relations sometime after the affair.⁵³³ That letter, however, seems to have been written not at the time of the affair but some years later, after Ezekiel had departed Brody. There certainly can be no doubt that the justice system in Jewish Brody had collapsed. A person so completely identified with that system had no future, at least no immediate future, in Brody. The authority of the *beit din* had been fatally undermined, and although the *kloiz* remained intact, Ezekiel Landau clearly wanted more than just the life of a *kloizner*.

So it was that Ezekiel Landau left his beloved Brody. Although we cannot reconstruct a precise chronology of events, we do know that it was not until sometime in early 1745, two and-a-half years after the affair had broken out, that he departed Brody with his wife and father-in-law, first for Dubno, then to Yampol.⁵³⁴ The sole source for this information is Kamelhar, who

⁵³²Gelber, 75; Heschel, 56.

⁵³³See the article by Reuven Margoliot (note 115 above), who argues convincingly that the letter to Aryeh Leib (*Noda BiYhudah I Yoreh Deah* 42) was written after Ezekiel had moved from Brody to either Dubnow or Yampol.

⁵³⁴Exactly when Ezekiel Landau became Rabbi of Yampol is unclear. In *Divrei Yedidut*, Yakobka Landau states that his father was elected Rabbi there in the thirtieth year of his life, the year *באמונתו*, the numerical equivalent of which is 505, corresponding to the Hebrew year 5505 (September 1744-September 1745). Now Ezekiel Landau was born on 18 Cheshvan, 5404 (November 7, 1713). Thus, if Yakobka is to be taken at his word, Ezekiel became Rabbi of Yampol sometime before November of 1744, when he turned thirty-one. On the other hand, there exist two *haskamot*, letters of approbation to books, signed by Ezekiel, one on 11 Kislev, 5505 (December 7, 1744) and the other on 9 Adar, 5505 (February 11, 1745). Both of these letters are signed "here in Brody," which indicates that Ezekiel was still in Brody as late as

apparently heard this from local sources. That Landau would go to Dubno is highly plausible. As we saw in the previous chapter, Dubno was the rabbinical stronghold of the family of Landau's mother. Ezekiel's wife, Lieba, was also from that town. The reigning rabbinical family there were cousins to the Babads of Brody. Dubno, then, promised a friendlier atmosphere.⁵³⁵

One place Landau did *not* go to was Opatow. Opatow had long been the site of continuous quarrels between Ezekiel Landau's family and the Jewish community. If anything, relations between the Landaus and the *kahal* deteriorated even further during 1744. Relations were so strained that in December of that year riots broke out against the allegedly high-handed and dictatorial regime of the Landaus, and the town owner, Pawel Sanguszko, had to appoint a commission to investigate the complaints of the community.⁵³⁶ As if it did not have its hands full

February of 1745. Heschel (*Baal Shem Tov*, 55) accepts Yakobka Landau's chronology and asserts that Ezekiel was in Yampol in 1743-44, and that the letters signed in Brody merely indicate that Ezekiel happened to be visiting Brody at the time he signed them. Heschel claims that in the second *haskamah*, Ezekiel describes himself as "currently residing in Yampol." I have not seen the *haskamah*, but Kamelhar (*Mofet* 9) cites it differently, as stating that he is "here in Brody," without any reference to Yampol. I am not inclined at this point to accept Heschel's statement. Moreover, I have seen the first *haskamah*, and in it Ezekiel, together with his friend Hayim Tzanser, sign it: ק"ק ברודי, "These are the words of the colleagues who listen with respect to each other in matters of halakha in the *beit midrash* which is our special place here in Brody." This certainly sounds as if Ezekiel was still residing in Brody and was still an official member of the *kloiz*.

Thus, it seems that Ezekiel Landau did not depart Brody to take up his rabbinical post in Yampol until sometime after Feb. 11, 1745. The sole evidence of when he actually arrived in Yampol is the date of his first *Shabbat Ha-Gadol* sermon, the traditional pilpulistic sermon delivered by communal rabbis on the Sabbath before Passover (see Katz, *Tradition and Crisis*, 145). The sermon, the first in *Drashot Ha-Zlah*, is dated 5505, which means mid-March 1745. Thus, four weeks after signing the second *haskamah* in Brody, Ezekiel was exercising the functions of communal rabbi in Yampol. According to Kamelhar (who gives no source), when Ezekiel left Brody he first went to Dubno. If this is true, he stayed there a very short time, less than four weeks.

⁵³⁵ Ezekiel Landau's grandfather Eliezer Littauer had been rabbi of Dubno in 1716-1719. Eliezer subsequently retired from the rabbinate and settled in Brody, where he died in 1741. His son succeeded him to the post

⁵³⁶ The leader of the Opatow Landaus, Ezekiel's uncle of the same name, referred to these riots as a "rebellion," see Hundert, *Opatow*, 128-131, and "The Decline of Deference, etc.", 43-47.

in Opatow, the Landau family was at the same time waging a strenuous and ugly struggle to secure the Cracow rabbinate for Ezekiel's uncle Yitzhak, currently rabbi of Zolkiev. Matters there likewise reached an unsavory climax towards the end of 1744 when the Landaus persuaded Sanguszko to throw the wife of the opposition candidate into prison in an effort to force his withdrawal from the race.⁵³⁷ In light of these less than edifying circumstances, it is not surprising that Ezekiel Landau, a man who throughout his career spurned the politics of strife and regarded the lack of communal harmony as the worst of evils, turned to Dubno, to his mother's family, not to his father's.

Although Landau's departure from Brody was certainly connected to the "Haya Affair," it would be a mistake to assume that he was somehow driven out of town, as was the case with Rabbi Yaakov Horowitz. The affair occurred in 1742-43. Landau did not leave until March 1745, to assume the rabbinate of a nearby town, the Volhynian community of Yampol. We can fix fairly exact dates. On Adar 9 (February 11, 1745) Landau signed a *haskamah*, an approbation for a book published by his friend Moses Ostrer. Four weeks later, he delivered an inaugural sermon in Yampol, the traditional pilpulistic discourse given by a rabbi of *Shabbat HaGadol*, the "Great Sabbath," that is, the sabbath before Passover. Clearly, Ezekiel had secured the post before he departed Brody. Although he first went to Dubno, he stayed there a very short time, certainly less than three weeks. His departure from Brody, if forced upon him by events, was not at all in disgrace.

Although Ezekiel Landau left Brody under something of a cloud, it was a cloud with a silver lining, for he was now compelled to strike out on his own, to be his own man. Indeed, the fuller field for the exercise of his talents that even a small town such as Yampol offered would catapult

⁵³⁷Hundert, "Deference," 49. See also Meir Balaban, "Joseph Jonas Theomim Fraenkel,

him to international public attention within a decade and secure him the rabbinate of the largest Jewish community in the world, Prague.

A new chapter in his life was about to begin.

This chapter examines Ezekiel Landau's career as communal rabbi of Yampol, which lasted about a decade. During this period Landau learned how to be a successful communal rabbi. He also developed his skills as a rabbinical scholar and a man of public affairs. In Yampol he attained a reputation that led him to be elected to the rabbinate of Prague by the end of that decade.

Yampol (1745-56)

Very little is known about the Volhynian town of Yampol. The entire Jewish community was killed in 1941, and the communal records destroyed.⁵³⁸ A glance at the map shows a town

⁵³⁸Because of the liquidation of the entire population, Yampol did not even merit the usual post-Holocaust memorial volume, which is normally so useful to the historian. A small volume was edited by Aryeh Gelman, a prominent leader of the Mizrahi (orthodox Jewish Zionist) movement, who emigrated to the United States in 1910. The volume, entitled *Ayarah be-Lehavot* ("Town in Flames" - the community was herded by the Nazis into the town synagogue, which was then burned to the ground), contains the bare facts of the liquidation of the community, and a few memoirs of the town by others who similarly left Yampol before the Holocaust; nothing on the history of the town per se. On the other hand, Gelman, a prolific Zionist publicist and writer, did publish in 1961 a 230 page study of Ezekiel Landau, entitled *Ha-Noda BiYhudah u-Mishnato* (The Author of the *Noda BiYhudah* and his Teachings). An entire chapter is devoted to Yampol and Ezekiel Landau's rabbinate there. For the historian, the most useful part of Gellman's work is the fragments of the *pinkas* included in the work - the only place they have been published, see below. The chapter on Yampol and the fragments of the *pinkas* were reprinted in *Ayarah be-Lehavot*.

It is interesting to note that the Volhynian town of Yampol where Ezekiel served has been confused by some historians with the Podolian town of the same name, a town more than 150 miles south of the Volhynian town. See, for example, Guttmann Klemperer, *Chayei*

on the Goryn River,⁵³⁹ about fifty miles east of Brody and southeast of Dubno. It was not a large community, but we have no way of ascertaining its population. We do know that the town was owned by Michael Kazmierz Radziwill, one of the greatest Polish magnates, who also owned Zolkiev, where Ezekiel Landau's uncle was rabbi; perhaps the uncle secured the position for his nephew.⁵⁴⁰ Nor does it seem to have been a significant Jewish community. There is, for example, not a single mention of Yampol in Halpern's *Pinkas Vaad Arba Aratzot* before Ezekiel Landau assumed the rabbinate. It could in no way be compared to Brody.

On the other hand, Yampol was not a new community, and Ezekiel Landau was certainly not its first rabbi. The community had been around long enough that it had become a site where divorces were executed. Traditionally, divorces were not executed in "new" communities because of the technical problems of how to spell the name of the town in Hebrew, a matter of great halakhic import. In a responsum written years after he left Yampol, Landau confided that he had not been not satisfied with the local traditional spelling of the town in divorce documents. However, he had not been prepared to change local usage and thereby implicitly criticize his predecessors.⁵⁴¹

Yehonasan: Rabbi Jonathan Eibeschutz, Eine biographische Skizze (Prague, 1858) 117, and the statement of Hillel Kieval, "It was to Jampol, Podolia, that the community turned to fill the vacant position of chief rabbi in 1754." (Jacob Katz, *Towards Modernity: The European Jewish Model* [Oxford, 1987], 86). See also Sid Z. Leiman, "When a Rabbi is Accused of Heresy: Ezekiel Landau's Attitude Toward R Jonathan Eibeschutz in the Emden-Eibeschutz Controversy," in *From Ancient Israel to Modern Judaism; Intellect in Quest of Understanding. Essays in Honor of Marvin Fox* (Atlanta, 1989), 182.

⁵³⁹In divorce documents, the city was described as being located על הנהר הארין (*Noda BiYhudah Even Ha-Ezer* I 87).

⁵⁴⁰For Radziwill's ownership of Yampol, see Meyer Balaban, *Le-Toldot ha-Tenuah ha-Frankit* [Towards a History of Frankism], (Tel-Aviv, 1935), 106. On Michael Radziwill in general and his dealings with Jews, see Adam Teller, "The Magnates' Attitude to Jewish Regional Autonomy," 258-269.

Nuances of Rabbinical Power

The delicate situation to which Landau alluded reveals something of the nature of the power as well as the limitations of power, limitations that were unofficial but real, of the communal rabbinate. Landau alluded to the delicate position of a new communal rabbi who takes office with his own halakhic ideas and conclusions. Not all of these ideas agree with existing custom, and tension with the potential for communal discord is produced.

The conflict between "pure halakha" and established local custom is a recurring feature in rabbinical history and discourse. The conflict is inherent, reflecting an immanent existential tension between the two bases for ritual action. It also reflects the fact that at bottom, there is no real authoritative code of halakha in traditional Judaism. According to traditional doctrine or theory, the Jew is commanded by God to follow the Torah. However, the word "Torah" was understood as referring to the Pentateuch, and the Pentateuch in turn was understood to be authoritatively interpreted by the Talmud (taking the term "Talmud" in its widest sense: The Mishna, the two Talmuds, and the Midrash). The problem is, the Talmud is not written in the form of a law code. It contains the discussions between the Talmudic rabbis concerning discrete halakhic issues, often without the Talmud's inclusion of a definite ruling. The numerous commentaries written on the Talmud in the subsequent centuries do not enjoy the authority of the Talmud itself; they are merely individual commentaries, the opinions of individual scholars, some of whom attained great authority, others not. Theoretically, any competent rabbinical

⁵⁴¹ *Noda BiYhudah II Even Ha-Ezer* 116.

scholar or community rabbi is free and even expected to study the Talmudic material, review the commentaries, and reach his own individual legal conclusion concerning the specific case upon which he is called to rule or adjudicate. Theoretically, he is free to disagree with (though not disregard) the rulings of even illustrious predecessors. This principle of jurisprudence is encapsulated in the phrase: אין לדיין אלא מה שעיניו רואות, "the judge must be guided by what his eyes see," that is, he must study the law, the facts of the case, and make his ruling based upon what the law (in this case the Talmud) indicates to him, regardless of other opinions. That is, he should not be bound by pure precedent simply because it is precedent unless he is convinced of the merits of the precedent.⁵⁴²

A competent rabbi, confident of his control of the sources and his ability to reason, could therefore issue rulings that differed from those of his predecessors, however illustrious. Indeed, this happened from time to time. However, opposing this tendency was the weight of custom and precedent. Practices sanctified by time and custom could not be so easily overturned, especially when the rather abstract theory of jurisprudential independence was not widely understood, especially by the masses. An attempt by a rabbi, especially a new rabbi, to overturn custom was likely to produce friction, and many rabbis did not think it worthwhile to stir up the community over a less than crucial matter.⁵⁴³

⁵⁴²For a discussion of this phenomenon, see Elon, especially 268-269 and 1228-1229.

⁵⁴³ As a young, newly-minted communal rabbi, the great Moses Isserles of Cracow, co-author of the *Shulhan Arukh*, was criticized for issuing rulings independently arrived at by him based on his own analysis of the Talmud and other original sources, neglecting more recent sources whose legal opinions had gained popular acceptance in sixteenth-century Poland. See Isserles introduction to his *Darkei Moshe* (Venice, 1593). Although dating from a different time and another part of Eastern Europe, a fascinating account of the tension between a newly minted communal rabbi and his "pure halakha" approach versus the members of the community who resent the disregard shown to accepted communal custom may be found in the 1903 biography of

The information we have concerning Landau's local role as rabbi of Yampol derives from two sources: a number of responsa in the *Noda BiYhudah* which explicitly or implicitly were written in Yampol (about nine in number), and a fragment from the *pinkas*, the minute-book of the *hevra kadisha*, the burial society, of Yampol. In 1930, the fragment was sent by the rabbi of Yampol to Leon Gelman of St. Louis, an immigrant from Yampol who was a prominent Zionist and Hebrew publicist in America. In 1960 Gelman would publish a monograph on Ezekiel Landau.⁵⁴⁴

The first responsum is not really a responsum at all, that is, it is not a response to a legal query posed to Ezekiel Landau by someone else. Rather, it is a kind of memorandum of a legal decision Landau rendered in July of 1745, shortly after he became the rabbi of Yampol. The case must have been controversial for Landau to preserve the memorandum and to include it in his responsa collection published thirty years later. The case involved a person who died, whereupon

Yerukham Leib Perlman, a leading Russian rabbi of the second half of the nineteenth century, known as *Der Minsker Gadol*, "The Great One of Minsk," (he was communal rabbi of Minsk 1883-96). Perlman studied in yeshivot and kolelim until the age of thirty, when he assumed his first communal rabbinic post in a small town in White Russia. In the scholarly and elitist circles of the yeshiva and kolel, competent scholars did not deign to read the popular compendia of halakha that were composed for the learned laymen, who read these works avidly and followed the halakhic rulings contained therein. Instead, yeshiva and kolel scholars prided themselves on consulting the primary sources out of which the popularizers had composed their works. In other words, the rulings contained in a popular work such as the *Hayei Adam* were to the scholars nothing more than the opinions of its author, with whom one could and often did disagree. To the masses these books were viewed as the last word on the subject. When members of the community would ask their new rabbi, Perlman, halakhic questions, he would answer on the spot based on his encyclopedic knowledge of the primary sources, without reference to the compendia. The members of the community could not understand how their rabbi could disagree with and, worse, contemptuously disregard, the "authoritative" compendia. This created much fiction in the community until the rabbi was eventually persuaded of the error of his ways and adopted a more "orthodox" approach to halakhic decision-making, namely to consult and follow the compendia. See Meir Heilperin, *Ha-Gadol Mi-Minsk* (Jerusalem, 1991) 55-63. Ezekiel Landau's reluctance to do so is one more illustration of this phenomenon.

⁵⁴⁴See note 1 above.

another person presented the heirs a promissory note signed by the deceased for a certain sum of money. The heirs of the deceased produced two blank notes signed by the claimant and declared that their deceased father had asserted before his death that the claimant owed *him* money! The question at hand was what exactly were those two blank pieces of paper that bore the signature of the claimant. They were signed in a peculiar manner, the manner in which *mamrames* were signed. A *mamrame* was a peculiar kind of promissory note, which in effect authorized the holder of the note to collect a stipulated sum of money from the person who signed it.⁵⁴⁵ This, of course, was rather strange.

Chief Rabbi Landau ruled in favor of the heirs, citing a variety of legal arguments, including the unusual one that the "blank checks" were actually receipts issued by the claimant after the deceased had repaid him. Significantly, Landau records that this argument was challenged by a local, "the great scholar Rabbi Joseph." Rabbi Joseph, possibly retained by the claimant, pointed out the obvious, namely, that a *mamrame* and a receipt were written differently. Chief Rabbi Landau responded that a scenario was conceivable where the claimant had not had the original promissory note at hand at the time the deceased had repaid him, and that what looked like a *mamrame* was actually intended by the claimant to be a *shtar pitzui*, a kind of copy of the missing note, possession of which amounted to possession of the original note. This, of course, implied that the claimant had issued such a note, had subsequently found the original note, and was seeking illegally to collect with it. Obviously this was a serious

⁵⁴⁵In the rabbinic literature, the *locus classicus* in terms of the definition and discussion of the phenomenon of the *mamrame* as a legal instrument is Mordechai Yaffe's sixteenth century law code, *Levush Malkhut*, in chapter 48 of the *Hoshen Mishpat*, or civil law, section, which is called *Ir Shushan*. As for the scholarly literature, see Jacob Katz, *Tradition and Crisis*, 58, and the footnotes (see particularly Halpern, *Pinkas* 545-546). See also A.M. Fuss "The Eastern European *Shtar Mamram* Re-examined," in *Dinei Yisrael* IV Li; Edward Fram, *ideals Face Reality: Jewish Law and Life in Poland, 1550-1655* (Cincinnati, 1997), 129-144.

charge. Moreover, accepting this version of the facts implied that the alleged *shtar pitzui* was really issued as a kind of blank check by the claimant to the deceased, leaving it to the debtor, since deceased, to fill in the rest of the note. Being nothing but a blank piece of paper with the signature of the claimant in the middle of the page, it seemed nothing of the kind. Such a construction of events implied a high degree of trust between the two parties, a trust seemingly not borne out by subsequent events.

Ezekiel Landau, of course, was aware of these possible criticisms, but he undertook, as only he could, to buttress his ruling with ample citations and ingenious argumentation. In fact, the last part of this "responsum" is a legal defense of the strategy of advancing even far-fetched claims on behalf of a debtor in the face of a creditor armed with a proper promissory note as long as there exist certain possible if unlikely circumstances, as was the case here.⁵⁴⁶

Again, in following the reasoning we are struck by the fact that it certainly was possible for an adjudicator to have given a different construction to the facts, to choose not to argue in favor of the heirs based upon admittedly far-fetched possible claims. Yet Landau had no hesitation in doing so, and he was fully aware of the possible tenuousness of his ruling, admitting that it had been criticized but also recording that it had been vigorously defended by him. Convinced of the correctness of his ruling, the new rabbi realized that he was staking out a position of authority vis-à-vis the local scholars, a position he seems to have maintained during his time in Yampol.

Another potential clash occurred in September, when Chief Rabbi Landau felt himself obligated to take issue with a local *minhag*, communal custom.⁵⁴⁷ Yom Kippur is the most solemn religious day of the year; the synagogue service lasts all day long. In the era before electric

⁵⁴⁶ *Noda BiYhudah I Hoshen Mishpat* 7.

lights, synagogues were faced with the problem of providing adequate lighting to enable the worshipers crowded into the synagogues to read the prayer books. The Jews could not light the candles; halakha prohibits the kindling of fire by a Jew on Yom Kippur. The problem would become especially acute when the sun begins to go down during the late afternoon-early evening service known as *Ne'ilah*. Apparently, the Jews of Yampol hired a non-Jew, who is halakhically not subject to such restrictions, to come to the synagogue before *Ne'ilah* and light candles throughout the synagogue for the benefit of the worshipers. This pragmatic arrangement seemed to satisfy everybody.

The new rabbi, however, declared that the arrangement violated Jewish law, specifically the regulation that forbids a Jew to benefit from any act performed on his behalf by a gentile when the act is forbidden to the Jew. If a Jew may not light a candle, a gentile may not light it for him. Now, according to the Shulhan Arukh, this prohibition extends to a certain class of forbidden acts, those which halakha defines as Scriptural, acts prohibited by the Pentateuch as expounded by the Talmudic rabbis. Such acts or laws are known by the Aramaic name of *D'Oraita*, "of the Torah," that is, the Pentateuch. The prohibition against benefiting from acts performed on a Jew's behalf by a gentile does *not* extend to the other class of forbidden acts, those which halakha regards as legislated, not by the Bible but by the rabbis, that is, the post-Pentateuchal religious leaders who lived from the time of Joshua down to the end of the Talmudic period. Such laws are called *D'Rabanan*, "of the rabbis." Now, a Jew's lighting a candle on Yom Kippur is a violation of a *D'Oraita*; accordingly, a Jew may not have a non-Jew light a candle for him. Thus, the good people of Yampol were violating Jewish law right in the

⁵⁴⁷ Ibid., *Orah Hayim* 33.

synagogue in the middle of Yom Kippur, the holiest day of the year! To Ezekiel Landau this was scandalous.⁵⁴⁸

Now Landau was perfectly aware that the *Shulhan Arukh* *does* cite one legal opinion, that of the famous 14th century Aragonese jurist Nissim of Gerona, which does allow a Jew to benefit from acts performed on his behalf by a gentile regardless of whether the act was *D'Oraita* or *D'Rabanan*. The Yampolians, then, certainly had grounds for their cozy arrangement. But Ezekiel Landau, the new rabbi, fresh from the *kloiz* of Brody, a hothouse of piety as well as scholarship, was offended by the whole thing. There are certainly times and places, certain circumstances, where it is appropriate to follow a minority opinion in the law code. Ezekiel Landau himself certainly did so on many occasions in the course of his career. But not in the synagogue on Yom Kippur! "I find it inappropriate ("very difficult") on this holy day to take advantage of tiny loopholes in the law and to rely upon a minority opinion."⁵⁴⁹

This episode reflects an interesting feature of the halakhic "system" which is a corollary of the one mentioned above, that ideally the individual judge has to apply the law not mechanically, but in a differentiated and nuanced manner, based on his own individual understanding of the entirety of a particular situation. Rabbinical rulings therefore reflect the written legal literature *as well as* the individual personality of the deciding rabbi. By purely jurisprudential standards, it was certainly acceptable to follow a minority opinion in the Yom Kippur case. However, the rabbi was expected to apply the law *appropriately*. He was the authority on *appropriateness*; in fact, only a live, breathing person could be. Whether or not it was appropriate to follow a minority view in *this* specific situation, at *this* specific time, place,

⁵⁴⁸ The halakhic regulations are in *Shulhan Arukh Orach Hayim* 276:2 and 307:5 (these Sabbath regulations apply to Yom Kippur, see Mishna *Megilah* 1:5).

⁵⁴⁹ באמת קשה מאוד ביום הקדוש הזה לכנוס בפרצה דחוקה לסמוך על דעת יחיד

and circumstance was, Ezekiel Landau felt, *his* call, not some book's, and certainly not anyone else's in the community. The community, he admitted, *was* convinced of the appropriateness of relying on a minority opinion when the purpose is to enhance public worship. *His* subjective feeling was that to take advantage of such an opinion in such a place was *not* appropriate. As we see, there is a kind of artistic, highly subjective, quality to this approach, and the rabbi, like an artist, was supposed to be attuned to the fine sounds or shades of color, or to distinctions, of whose existence the layman was not expected to be aware.⁵⁵⁰ The halakhic "process" is revealed to contain an important element of subjective sensitivity to notions of propriety and appropriateness. Minority opinions are recorded, to be sure. However, it is the communal rabbi, and only he, who "knows" when it is appropriate to follow them.

So what were the worshipers to do? Chief Rabbi Landau recommended arranging before Yom Kippur to have very long candles burning in the antechamber of the synagogue. In such a case, it would be permissible for the gentile to place the already burning candles throughout the synagogue in the late afternoon. Moving burning candles is likewise prohibited to Jews on Yom Kippur, but rabbinically, not Biblically. Accordingly, the rules allowed a gentile to perform such a service for the Jewish worshipers. Everyone could be happy.

This entire episode comes down to us from a responsum written decades later to a rabbinical colleague in Bohemia when Ezekiel Landau was already Chief Rabbi of Prague. In writing privately to a colleague, Landau unburdened himself in a manner which demonstrates that the rabbi and the people of his community often weigh the same matter on different scales, and which offers an insight into the rabbinic *mentalite`*. The *Ne'ilah* prayer consists of certain

⁵⁵⁰On the gap between notions of religious-legal propriety of the rabbis and those of the uneducated laity, see Fram, *Ideals Face Reality*, 63-64.

basic prayers supplemented by a considerable number of *piyutim*, religious poems. Now, halakha differentiates between basic prayers which originated in the Talmudic-Geonic period, and later additions called *piyutim*. The prayers are legally obligatory; the *piyutim* are not. This discrepancy is not insignificant. One who recites the prayers does so according to a set form, from which he is not to deviate and which he is not to interrupt with extraneous words. From a very strict legal point of view the *piyutim* were not part of the formal set of prayers, and many famous rabbis down the centuries objected to the inclusion of the *piyutim* in the prayer service. On the other hand, many other revered rabbis authored such poems and included them in the service over the centuries. To the public, these were essential parts of the service, especially since many communities adopted a specific set of poems for use in their community. The *piyutim* of a particular community thus became part of the community's lore, its unique identity. Thus the *piyutim* always enjoyed broad support from the community at large, coupled with occasional opposition from the learned elite, especially from sticklers for halakhic niceties.⁵⁵¹

Ezekiel Landau belonged, as one might suspect, to this latter group. While his sense of propriety prevented him from publicly criticizing popular local custom which has venerable roots in the religious culture, Landau could not refrain in private correspondence to a fellow rabbi from taking a swipe at what he, Landau the halakhist, bemoaned as a misguided set of priorities. The reason the worshipers needed the candles was to read the *piyutim* during the *Ne'ilah* service. It was this need that led them to adopt the practice of having a gentile light candles for them on Yom Kippur, a practice that was fraught with halakhic problems. Which, reasoned the halakhist, would be more pleasing to God? To recite the *piyutim* and violate the law (according to the

⁵⁵¹ For a fine discussion of the historic controversy surrounding the *piyutim*, see J. D. Eisenstein, *Otzar Yisrael* (Berlin, 1924), VIII 223-225, and Ruth Langer, *To Worship God Properly* (Cincinnati, 1998) 110-187.

majority of legal opinion), or to dispense with the liturgical accretions and its attendant halakhically problematic arrangements? "Who asked the congregation to recite *piyutim*? Far better that they should not recite them...and not come to do something prohibited by most legal authorities."⁵⁵²

This letter demonstrates how the rabbi has a different aesthetic sense than the community, one that is strictly legalistic, exquisitely aware of and sensitive to fine legal abstractions of whose very existence the great majority of his community is most likely unaware.⁵⁵³

Another kind of sensitivity to legal niceties is displayed in another essay written by Ezekiel Landau around this time, an essay concerning a fine point in the laws of *nidah*, menstruants.⁵⁵⁴ In the course of his studies of these laws, in all likelihood in the context of some lecture or other (see below), Landau reached a conclusion that under certain circumstances, a woman whose bleeding was minute, literally a drop, could legally assume that the blood was not uterine and therefore did not affect her legal ability to maintain conjugal relations with her spouse. On the face of it, this conclusion contradicts the Talmudic dictum, recorded in the *Shulkhan Arukh*, that even a drop of blood renders a woman a *nidah*. Landau, of course, drew a fine distinction between the two cases. Convinced of the correctness of his conclusion, Ezekiel was bothered by the fact that he seemed to have been the first one to make this legal "discovery."

⁵⁵² ומי בקש זאת מהצבור לומר פיוטים? מוטב לא יאמרו פיוטים וסליחות... ולא יעשו דבר האסור לרוב הפוסקים.

A century and a half before Landau, Mordecai Jaffe (1535-1612), the renowned Ashkenazic halakhic codifier, likewise ruled against reciting festival *piyutim* on Friday evening services out of fear that worshipers in the synagogue, unfamiliar with the words of these unusual prayers and therefore unable to recite them with the usual weak lighting provided by the candles in the synagogue, would end up increasing the lighting on the Sabbath in a halakhically prohibited manner. See Yaffe's *Levush Hur* (Prague, 1590) 494:2.

⁵⁵³ See also the remarks of Jacob Katz in his *The "Shabbes Goy": A Study in Halakhic Flexibility* (Philadelphia, 1989) 108-109.

⁵⁵⁴ See the discussion in chapter 3 above.

An important point such as this (the *nidah* laws are regarded as very serious; violation can incur the death-penalty or worse under Biblical law) ought to have been noticed by *someone* down the ages! In contrast to the eagerness of the academic to innovate, the traditional halakhist felt that his authority was restricted to *applying* and *interpreting* existing law, law authored by God and by spiritually superhuman rabbinical authorities. Of course, every application of law by analogy to a new situation is a creative process; however, it is never so blatant as when it involves a *heter*, a lenient ruling. Here the halakhist is taking a chance. If he is wrong, he is causing the person he guides to violate religious law; the halakhist is responsible, a sinner before God. Every decision he is called upon to make is fraught with this theological danger. Thus, for the conscientious, conscience-bound rabbi, rendering decisions can be a theologically frightening process; hence the well-known reluctance of many scholars down the ages to assume a formal rabbinical post. The Talmud itself refers to this type of scholars as יראי הוראה, "those who are afraid to issue rulings."⁵⁵⁵

The tension generated by a situation where a rabbi reaches a daring conclusion but cannot find precedent, especially in an area of law whose violation is viewed as causing the damnation of the violator (and his rabbi!) is reflected in Ezekiel Landau's words in his essay: "I therefore state my conviction that there exists grounds for being lenient with Jewish women [who find themselves in this particular situation]. However, as I write these lines the quill trembles in my hand because of the great fear and terror within me in daring to 'raise my head' [i.e., offer a bold lenient ruling] in a matter where I can find no precedent in the halakhic

⁵⁵⁵Actually, this is a term in rabbinic literature. The Talmud (*Sotah* 22a) refers to "those who are capable of becoming rabbinic decisors and who do not do so (תלמיד שראוי להוראה ואינו מורה)." Such persons are criticized for abandoning the rabbinate and the halakhic system to incompetents.

literature."⁵⁵⁶ At the end of the essay, Landau further states: "Everything I have written here is theoretical. Do not rely upon my conclusion under any circumstance, either as a legal argument or as part of an argument, until Providence favors me by helping me find some source that might serve as some kind of precedent in the Talmud or the Early Decisors."⁵⁵⁷

The Two Hats: Communal Rabbi and *Rosh Yeshiva*

This combination of bold discovery and hesitation to publish or use it reflects the latent tension between Ezekiel's two roles in Yampol, rabbi and teacher, or, more accurately, *rosh yeshiva*, head of a yeshiva. We have seen that Ezekiel had attracted students to his *shiurim*, Talmudic lectures, when he was twenty years old or so. We know that he maintained a *yeshiva* during the time he was in Yampol. Nor was this in any way untypical. The position of communal rabbi was not divorced from the position of *rosh yeshiva*, president and chief instructor of a Talmudic school, as advanced as possible. Quite the contrary. It was expected of any self-respecting communal rabbi that in addition to his rabbinical duties, he should maintain a least a small group of students whom he should teach Talmud and halakha, and with whom he was to

ולפי זה אני אומר קולא אחת לתקנת בנות ישראל ואמנם נוע ינוע הקנה בין אצבעותי מרוב אימה ורתת להרים ראש בדבר שלא מצאתי בקדמונים.

וכל זה אני כותב דרך פלפול. אבל חלילה לסמוך על זה כלל אף לצרף לקולא אחרת עד שיזכני השם למצוא בש"ס⁵⁵⁷ ופוסקים ראשונים אולי אמצא איזה סמך לזה. *Noda BiYhudah II Yoreh Deah* 101.

than six senior and six junior students. It is the responsibility of each community to secure the necessary funds."⁵⁶¹ In his eulogy of seventeenth century Polish Jewry, Nathan Hannover, writing in 1653, repeatedly refers to the communal rabbi as the *rosh yeshiva*.⁵⁶² A rabbinical contract issued in Cracow in 1699-1700 requires the communal rabbi to deliver pilpulistic lectures to yeshiva students four times a week, in addition to a class on the Pentateuch. The Cracow community committed itself to maintain thirty full-time students for the rabbi to teach.⁵⁶³

Most telling of all in this regard is the pair of seventeenth century rabbinical contracts published by Jacob Katz. These documents are not specific contracts but model documents composed by Jewish scribes or notaries in Prague. In other words, they are meant to be used in general contracts; they describe the typical. Both contracts, one for a small community and the other for a larger one, go into great detail about the obligations of the rabbinical candidate towards the community, including the maintenance of a yeshiva to be directed by the rabbi in which the rabbi is expected to teach daily. In the case of the larger community, where there are presumably several yeshivot, the rabbi is expected to supervise them in addition to his own yeshiva, which is to have pride of place. The rabbi is to set the curriculum, to see to it that the students of the various yeshivot have the books they need, to administer the examinations, in short, to act as the supreme head of all formal post-elementary education in his community. It was fully understood that these activities would of necessity consume the lion's share of his time.⁵⁶⁴

⁵⁶¹ *Takkanot Medinat Mehrin*, edited by I. Halpern (Jerusalem, 1952), 1 (also quoted in Assaf, *Mekorot* I, 134-5).

⁵⁶² *Yeven Metzulah*, (Toronto, 1991) 91, ff.

⁵⁶³ Assaf, *Mekorot* I, 160.

⁵⁶⁴ Jacob Katz, "Le-Toldot ha-Rabbanut be-Motzaei Yemei ha-Binayim," in *Halacha in Straits: Obstacles to Orthodoxy at its Inception* (Hebrew) (Jerusalem, 1992), 247-258.

Why did communities want a rabbi who was rarely "there" for them? Why did they want rabbis who never preached to them, who never prayed with them in the communal synagogues except on Sabbaths and rare occasions, who burdened the community by attracting students from out-of-town who had to be supported during their stay in the community, students with whom the rabbi spent most of his time? Clearly, in the pre-modern Ashkenazic *kehilah* the communal rabbi was not simply a communal official, clergyman or judge or spiritual leader. His most important role was to serve as a religious model or symbol, to be the embodiment of the values of the Torah, and the most important value of the Torah was the exclusive study of its literature, not as an academic, but as a religious, enterprise. Hence, it is not at all surprising that the communal rabbi was a teacher, and the greater the rabbi, the more numerous the students.

Ezekiel Landau was certainly no exception. During his career in Yampol, the archetype of a small Jewish community, and later in Prague, the archetype of a large community, Landau spent most of his time teaching and supervising students. In Yampol, the number of students could not have been large. In Prague, as we shall see, the annual number of students ran into the hundreds, making his one of the leading yeshivot of his day. The small number of students in Yampol is reflected in the closeness it was possible to foster between the *rosh yeshiva* and the individual students. "I remember well how you studied under me with great diligence in Yampol," he writes to a student years later. "It gives me pleasure to see that you have become a communal rabbi yourself. You complain that I have failed to respond to your letters and that I am neglecting you...Believe me, I never do that to anyone, especially an old student of mine. But ever since I came to Prague I have received no letter from you. Perhaps your letters were mislaid on the way."⁵⁶⁵

⁵⁶⁵ *Noda BiYhudah I Even Ha-Ezer* 56.

Ezekiel Landau, then, wore two hats: communal rabbi and judge, and *rosh yeshiva*. The two roles involved expertise in two different areas of rabbinic literature. The office of communal rabbi required expert knowledge of the halakha and its literature. While the literature of the halakha did include the Talmud, at least those parts of the Talmud that dealt with contemporary law (as opposed to those parts of the Talmud which dealt with sacrificial offerings and similar ceremonies no longer practiced after the destruction of the ancient temple in Jerusalem), it primarily required knowledge of the post-Talmudic legal literature, consisting primarily of the law codes, the responsa, and the associated commentaries. Most of the time, halakhic rulings were based upon precedents from these post-Talmudic sources.

The office of *rosh yeshiva* was different. It consisted of delivering interactive lectures to students who were studying the Babylonian Talmud and its commentaries. It was a teaching, not a judicial, office. The students were expected to be able to read the texts on their own. The lectures were designed to elucidate fine points in the texts, to pull together seemingly disparate statements and to demonstrate their connectedness, or to offer general syntheses of legal theory. The methodology was that of *pilpul*. The pilpulistic lecture, as we have seen, was intended as an exciting intellectual challenge to the participants, a mind-sharpening exercise, an occasion of great fun for those able to follow it. It included a great deal of challenging questions from teacher to student and vice-versa, and it was an occasion for a great deal of shouting and screaming, accompanied by much table-thumping.⁵⁶⁶ Vociferous exchanges between teacher and student, as

⁵⁶⁶ A typical example of this phenomenon may be found in the memoir of the daughter of Azriel Hildesheimer, rabbi and *rosh yeshiva* of the Hungarian community of Eisenstadt in the nineteenth century: "The front windows of the lecture-room looked down upon the main road and when the talmudic debates between Father and his students grew particularly loud and heated, people would stop in the street below, thinking there was a brawl of some sort going on inside." (reprinted in *Tradition*, Spring 1992, 88).

well as between student and student, were not viewed as detrimental to the dignity of the *rosh yeshiva*.⁵⁶⁷

The material covered in the yeshiva lectures was not identical with the material which preoccupied the communal rabbi. The rabbi, as we have seen, needed to be an expert in the halakhic literature. The *rosh yeshiva* concentrated on the Talmudic literature, that is, the text of the Babylonian Talmud and its medieval commentaries, such as those of Rashi and the Tosafists, as well as the great commentators of thirteenth and fourteenth century Spain, collectively referred to as the *Rishonim*, the "First Ones." While all of these works are of seminal importance to the halakha, which is actually composed of elements of these works, the yeshiva studies and lectures concentrated almost exclusively on these sources to the exclusion of the codes and the responsa. It was in this exclusivity, the deliberately restricted nature of the curriculum, that the yeshiva expressed its uniqueness, its difference from the practicing rabbinate, and this uniqueness has continued down to the present day.

Now the communal rabbi needed to be familiar with the Talmudic literature, especially if he found himself faced with a legal problem for which he could not find a satisfactory solution in the codes or the responsa. In such cases the rabbi had to go "back to the source" of the halakha, namely to the Talmudic literature, to discover some "hiddush," some new point previously unnoticed, which he could use in devising a ruling. Of course, not every

⁵⁶⁷ Although dating from a different time period, a story reflecting this academic ambience is told concerning the founder of the nineteenth century Lithuanian yeshiva of Telshe, Rabbi Eliezer Gordon, whose "lectures" were actually frenzied shouting matches with his students, who vociferously challenged every point in his presentations. The hurly-burly shocked a visiting rabbi who was not a product of a yeshiva. The rabbi rebuked the students for their undignified behavior, and they took his words to heart. Accordingly, at the next lecture they listened with respectful silence, which so unnerved Gordon that he stopped the lecture and left the room, shouting, "I do not lecture in cemeteries!" See A. Sorasky, *Marbitzei Torah u-Mussar* (Brooklyn - Bnei Brak 1977), 228.

communal rabbi was able to do this. The average rabbi knew the codes and some of the responsa; this was sufficient in most situations. There were, however, a fair number of great scholars in the rabbinate, whose expertise extended to the totality of the responsa and to parts or even to the whole of the Talmudic literature. These were the "great rabbis," the ones who authored the famous responsa collections, the ones whose opinions became, through the general consensus of their colleagues, part of the halakha.

Thus, the twin roles of communal rabbi and *rosh yeshiva* were actually complimentary. If anything, it was to the rabbi's advantage to have a yeshiva peopled with bright students with whom he could interact, exchange ideas, test theories, who would keep him on his toes as much as he kept them on theirs. The requirement of delivering a daily lecture on a part of the Talmud and its commentaries, the requirement to deliver daily or weekly pilpulistic lectures which demanded original thought and the closest reading of the material, all this honed the mind of the rabbi more than that of the student. Indeed, the typical great communal rabbi of the past cannot be properly understood unless we envision him surrounded by students with whom he was in intimate and constant contact and with whom he was constantly engaged in close intellectual intercourse. The classroom lectures were the hothouse in which new ideas were discovered and tested, usually through the pilpulistic methodologies.

There was, necessarily, a gap between the results of the classroom lectures and actual legal rulings. The pilpulistic method was notoriously speculative, and its results had never been viewed as halakhically conclusive. Indeed, that had always been one of the chief criticisms of pilpul. On the other hand, pilpul *was* valued as a tool for gaining a certain type of thorough knowledge of the Talmud. Moreover, the very speculativeness of pilpul was part of its attraction. The possibilities of analysis, of questions and answers, were literally limitless. However,

speculativeness was the opposite of what was felt to be required in the adjudication of actual cases. In practical law, misinterpretation would lead to an incorrect ruling, leading to violation of God's law. "It is one thing when we are in the yeshiva and engaging in pilpul during the `Tosafot Semester,'" said one famous fifteenth century German communal rabbi and *rosh yeshiva*. "At such times it is appropriate and indeed customary to split hairs and `draw whole elephants through the eye of a needle.' However, when it comes to issuing actual legal rulings, one must base one's rulings upon clear, verifiable, and explicit statements in the Talmudic literature, not from pilpulistic conjecture!"⁵⁶⁸

Thus, the communal rabbi operated in two spheres, the community and the yeshiva, and he needed to take care not to apply the norms of the one sphere to the other. Provided he managed to do this, though, the two roles complimented each other. The yeshiva lectures, the give-and-take, provided the rabbi with ideas, insights and interpretations of the Talmudic literature. These new insights had a value of their own in the sphere of the yeshiva. Indeed, *hiddushim*, new insights, were the coin of the realm in world of the yeshiva, as they always are in any academic world. The *hiddushim* had less practical value in the halakhic world, the world of the communal rabbi qua rabbi. However, here, too, new halakhic problems, not dealt with in the existing literature of the halakha, required renewed study of that literature in order to discover hitherto unnoticed information that could be used to draw an analogy to the question at hand. On such occasions, the *hiddushim*, if they were considered well-founded and not overly speculative or *dachuk*, "forced," had great value. Such a *hiddush*, when used with a certain moderation, was viewed as a quite legitimate tool for legal argument and legal ruling. Thus, a *rosh yeshiva* who had at his command a number of such *hiddushim*, had a unique fund of knowledge which he

⁵⁶⁸Rabbi Jacob Weill (d. 1455), *Responsa*, no. 164 (Jerusalem, 1959).

could employ, in his capacity as communal rabbi, for the solution of complex and difficult legal problems. It was precisely for this reason that the important Jewish communities looked to great pilpulists as outstanding candidates for the rabbinate. Such men were not simply experts in the law codes; the communities employed *dayanim*, lower-level rabbinical judges, for that. The great pilpulist communal rabbis were, within the confines of talmudical-pilpulistic system, original thinkers, who were able to deal independently and if necessary, boldly, with the most vexing legal problems that arose from time to time. Indeed, these rabbis were the men who had always created new law. Of course they always denied they were doing anything of the sort, merely discerning unnoticed aspects latent in the literature. They were, they claimed, merely discovering, not creating.

It is not surprising, then, that Ezekiel Landau would discover a *hiddush* in the course of his lectures and scholarly intercourse in his yeshiva, yet be hesitant to publish it because of its "radical" nature. Such a combination of innovativeness and caution, innovativeness in the discovery or discernment of *hiddushim*, no matter how surprising or radical, tempered by caution in applying the results of the *hiddush* in real law cases, was the norm in rabbinical culture.

The *Adam Hashuv*

Most of what we know about Ezekiel Landau's years in Yampol is derived from literary sources, that is, from rabbinical books that he or his children published in later years, specifically *Noda BiYhudah*, an edited collection of responsa; *Tzlah*, an edited collection of *hiddushim*; and *Doresh*

leTziyon, an edited collection of pilpulistic sermons delivered on ritual occasions. Thus our knowledge of these years is mediated and filtered by editors who subscribed to the norms and conventions of the rabbinic literature, and who were motivated by filial piety and a hagiographic approach to the past. One exception is the fragment of the *pinkas* of the *hevra kadisha* of Yampol, which was sent to the United States in 1930 and so survived the destruction of the community by the Nazis. The fragment was published by Leon Gelman. It contains a series of nine entries written by Ezekiel Landau himself in his capacity of rabbi of Yampol, and it reflects yet another of the communal rabbi's roles, that of "general counsel to the corporation(s) of the community."

According to Talmudic law, communal ordinances were not valid unless they were approved by the local *adam hashuv*, "distinguished personage."⁵⁶⁹ Generally this was the communal rabbi.⁵⁷⁰ In practice this meant that the communal rabbi was supposed to vet all legislation passed by the *kehillah* as well as the ordinances passed by the *hevrot*, the semi-independent local confraternities. To be sure, there must have been occasions where this practice was honored in the breach; nevertheless, generally the rabbi was expected to have his say and certainly to be consulted.⁵⁷¹ After all, in a society whose norms were based upon the religious

⁵⁶⁹For sources and rules see Yosef Goldberg, *Tovei Ha-Ir: Hilkhhot Nivharei Tzibur ve-Takkanot Tzibur* [The Halakhic Laws Concerning Elected Officials and Communal Legislation] (Jerusalem, 2000), 220-236.

⁵⁷⁰Actually, the Talmud (*Bava Batra* 8b-9a) refers to ordinances passed by guilds or trade associations. In the middle ages the consensus of legal opinion extended this veto power to all communal ordinances. For a full discussion with the relevant halakhic references, see Elon, *Jewish Law*, 751-759. See also Neuman, *The Jews in Spain*, 87; and Katz, *Tradition and Crisis*, 74-5: "In most places the rabbi was asked to authorize the *takkanot*, even if he had no role in formulating them...the communal leadership was forced to rely upon the rabbi to provide a religious imprimatur for its decisions..."

⁵⁷¹Elon cites a few exceptional cases where communal authorities did not consult with the communal rabbis, see pp. 756-7.

law, the approval of the leading halakhist was required to legitimize any new law or ordinance to assure that it was in conformity to the Torah. Where the rabbi was an expert legal draftsman, as Ezekiel Landau was, he was often asked to do the drafting of the various statutes and regulations.⁵⁷² Thus, we are not surprised to find in this fragment "Rabbi Ezekiel of Yampol" drafting a set of by-laws for the Yampol *hevra kadisha*, burial society.

Sylvie Goldberg has demonstrated how, of all the Ashkenazic *kehila's* confraternities, the burial society was the most powerful and influential. "The authority of the burial society was exercised, to varying degrees, over all members of the community...The society exercised its power by...the threat of exclusion."⁵⁷³ Exclusion meant that when one died, no one would bury him or extend help to the family: no coffin, no grave, nowhere to die, nowhere to be buried. Goldberg nicely describes the setup of the typical Ashkenazic *hevra kadisha*:

The common basis of all the burial societies rested upon an original constitution, governing members occupying honorific positions, salaried officiants, codified rules of general conduct, methods for collecting funds, regular meetings of administrators and members, set fines for penalizing violations, general measures concerning the sick, the dying, and the dead, and, of course, annual elections of the executive committee and the annual banquet.

It is precisely with these organizational matters that the fragment of the Yampol burial-society *pinkas* is preoccupied. Less than a year after his arrival, Ezekiel Landau drafted by-laws governing election of officers (*ne'emanim*, *borerim*, and *gaba'im*) and their various duties and jurisdictions, spelling out in great detail how the society's funds were to be disbursed, subject to appropriate accounting procedures. The document details how new members are to be admitted

⁵⁷²Baron, *The Jewish Community*, II 30.

or "blackballed." Much attention is given to the society's annual banquet, evidently held on the holiday of *Shemini Atzeret* in September or October. Again, Goldberg reminds us that "this banquet typically monopolized a significant portion of the society's resources." The *pinkas* contains a number of short entries added in subsequent years: 1747, 1748, 1749, 1751, 1752, and 1753. These confirm various elections of officers and financial decisions. Interestingly, the society's finances seem to have gotten out of hand in 1749, and Chief Rabbi Landau was called upon to assume control of all disbursements and thereby rescue the society from looming financial crisis.⁵⁷⁴

These rare interventions, less than one a year, indicate the rabbi was called in whenever some controversy arose within the society, usually involving questions of unpaid obligations or expenses connected with the annual banquet. The rabbi's role is that of an impartial arbitrator and counsel, a position that obviously required probity and circumspection. On the other hand, the power of the rabbi was decidedly enhanced, for these interventions served to reflect a perception that the rabbi supervised all the organizations of the community, and that these were in some fashion "under his control." Indeed, Rabbi Landau's activity in Yampol conforms to the description of the small-town rabbi given by his more famous central European contemporary, Rabbi Meir of Eisenstadt, who complained, "In small communities, they bring every matter, large or small, to the rabbi."⁵⁷⁵

⁵⁷³ All of the following references are to be found in: Sylvie Goldberg, *Crossing the Jabbok: Illness and Death in Ashkenazi Judaism in Sixteenth through Nineteenth Century Prague*. (University of California Press, Berkeley, 1996), 92-98.

⁵⁷⁴ "והמעוֹת יבא ליד הרב לפרוע חובות ה"ק, בל ישתקעו וישתרגו ברבית עצומה." ⁵⁷⁴

⁵⁷⁵ בקהלות קטנות כל דבר קטן וגדול יביאון אל רב העיר Meir Eisenstadt, *She'elot u-Teshuvot Panim Meiroi*, vol. 1 (Amsterdam, 1718), introduction. Eisenstadt's statement is credible because he is not bragging here. Rather, he is recounting in an autobiographical passage that he was not happy as rabbi of a certain small community because the many demands on his time prevented him from devoting himself more intensely to his studies.

International affairs: The Land of Israel

The sources with which we have dealt reflect the typical. In his internal role as rabbi of a small eighteenth century Polish community, Ezekiel Landau was little different from a thousand others. But in the course of his decade in Yampol, Landau's reputation grew until he transcended the faceless anonymity of the majority of his colleagues. By the mid 1750s he was considered one of the most prominent Polish rabbis of the day; it was as such that he received the call to Prague. Obviously, his scholarship, evidence of which did circulate during this decade, gained him a reputation. However, Landau also played an active role in Jewish affairs in Poland in general, especially in connection with the Jewish communities of Palestine. Let us examine "the Palestine Situation" in the first half of the eighteenth century.

The first four decades of the eighteenth century was a time of trouble for the Jews of Palestine, especially the Ashkenazic Jews of Jerusalem. In the year 1700 there was a total of 1200 Jews in Jerusalem, Sephardim and Ashkenazim. In that year a thousand Ashkenazic Jews arrived from Europe, led by a mystical, partly Sabbatian, charismatic figure, Yehudah Hasid. The latter soon died, and the newcomers were beset with a host of problems. The doubling of the Jewish population of the city caused an economic crisis. The newcomers had been promised extensive financial support by European Jewish philanthropists, such as the Vienna Court Jew Samson Wertheimer. The funds did not materialize or failed to reach Palestine. The newcomers, the nucleus of a vibrant Ashkenazic community in the Holy City, had to borrow locally at high

interest, which they could not repay. Despite repeated pleas for overseas assistance and sincere efforts overseas to forward the moneys in an intelligent and timely fashion, the situation deteriorated. In 1720, the local Moslem creditors stormed the Jewish Quarter, instigated a pogrom, burned the synagogue, imprisoned the Ashkenazic leaders, and in general put an end to the Ashkenazic community. They very nearly destroyed the Sephardic community too; the creditors held the Sephardim partially responsible for the failure of their Ashkenazic co-religionists to repay. The few Ashkenazim who survived and did not flee the city had to disguise themselves as Sephardim. The Sephardim themselves barely held on.

The Jewish communities of the Sephardic Diaspora responded to the crisis by forming a special committee in Constantinople headed by wealthy and influential Jews there who undertook to bring order to the chaotic state of the finances of the Palestinian communities. The first act of the committee was to obtain from the Ottoman government in Istanbul a partial consolidation of the debts of the Sephardic community of Jerusalem. In addition, the committee undertook to regulate the gathering of funds abroad. In the course of attempting to rationalize the raising of funds for Palestine, the committee established connections with the various Jewish communities around the world, and wherever possible enlisted rabbis and wealthy Jews to join the effort to institutionalize support for the *yishuv*, the Jewish settlements in the Land of Israel.⁵⁷⁶

Sephardic efforts to save their Palestinian communities were successful. The Ashkenazim continued to stay away, afraid of being required to pay the huge debts of their

⁵⁷⁶ See Halpern's article, "Al Yechasam shel ha-V'aadim voha-Kehilot be-Folin le-Eretz Yisrael," first published in *Zion*, (1939), 86-7. It is reprinted in his *East European Jewry: Historical Studies* (Hebrew) (Jerusalem, 1968), 61-5. See also Avraham Yaari, *Shelihei Eretz Yisrael* [Religious Emissaries from the Land of Israel] (Jerusalem, 1951), 322-342; Yaakov Barnai, *The Jews in Palestine in the Eighteenth Century: Under the Patronage of the Istanbul Committee of Officials for Palestine* (Tuscaloosa, 1992). Barnai's work contains a full bibliography.

predecessors. The success of the Sephardim, guided by the intelligent direction of the Istanbul committee, led to a revival of the Sephardic communities in Palestine in the 1730s. If a few hundred Jews had been left in Jerusalem in 1721, by 1740 there were 3,000. The success of the Sephardim eventually led to interest among Ashkenazim to restore their presence there as well.⁵⁷⁷

There were two methods of raising money for the *yishuv*. One was through local committees established in the various Diaspora communities. Such committees were a time-honored tradition in Judaism. Over the centuries committees evolved various methods for raising money and sending it to the Holy Land. The Jews of Poland, the largest Jewish community in the world, had already in the sixteenth century developed mechanisms for the organized collection of such funds and their transfer to Palestine. The funds were collected by the individual communities, who forwarded them to centralized collection points, the great fairs of Yaroslav. At Yaroslav the money was handed over to a citizen of Lvov or the Lvov region, who was to see to their transfer to Palestine; Lvov was a center of commerce with connections to the Ottoman Empire, including Palestine. The citizen of Lvov into whose hands the moneys were entrusted was obviously someone who commanded public confidence, a person of reputation and honor. The person was called "Prince of the Land of Israel" (*nesi Eretz Yisrael*). We know that Yitzhak Landau's father-in-law, Emmanuel de Jonah, Court Physician to John Sobieski, had been a *nesi Eretz Yisrael* in his day.⁵⁷⁸

⁵⁷⁷Barnai, *The Jews in Palestine in the Eighteenth Century*, 170-77; *idem.*, "The Jewish Settlement in Palestine in the 17th and 18th Centuries," in Alex Carmel, P. Schaefer, et al., *The Jewish Settlement in Palestine, 634-1881* (Wiesbaden, 1990), 147-150.

⁵⁷⁸ Halpern, *Eastern European Jewry*, 83; Solomon Buber, *Anshei Shem*, (Cracow, 1895), 173.

A second method of raising money for Palestine was the commissioning of *shelihim*, "emissaries," that is, rabbis from Palestine who traveled from the Holy Land to the Diaspora and personally solicited contributions for the *yishuv*. Many illustrious rabbis of the seventeenth and eighteenth centuries served as *shelihim*, and the arrival of a *shaliah* was an important event in the life of a Diaspora community, although they did not always raise the desired funds.⁵⁷⁹

A chief goal of the Istanbul Committee was to centralize and coordinate the collection of funds and the dispatch of *shelihim*. Accordingly, from 1726 on, the *shelihim* were expected to be licensed by the Committee. The general, though not total, acceptance of this system during most of the eighteenth century is a testimony to the reputation enjoyed by the Istanbul Committee throughout the Jewish world during those years.⁵⁸⁰

As a prominent, if young, jurist in Brody, Ezekiel Landau was undoubtedly aware of this state of affairs. However, it was the scandal in Brody (see preceding chapter) which brought him into close contact with the Istanbul Committee and with Palestinian affairs in general. As we have seen, following the Haya Bernstein scandal, both Ezekiel Landau as well as his close friend Abraham Gershon Kutover left Brody. Ezekiel Landau assumed a rabbinic post in Yampol. Abraham Gershon first went to his brother-in-law the Besht in Miedzybocz, but subsequently departed Poland for the Middle East, a most unusual occurrence in those days. As we have seen, the Ashkenazic community in Jerusalem had ceased to exist, and there were hardly any Ashkenazim in the other Palestinian communities either. On the other hand, the prospect for settlement in the Holy Land looked brighter by the mid 1740s, thanks to the efforts of the Istanbul Committee. The Jewish community of Jerusalem had revived and reached the

⁵⁷⁹ The classic work on the phenomenon of these *Shelihim* is Avraham Yaari's monumental (950 pages) *Sheluhei Eretz Yisrael: Toldot ha-Shelihut me-ha-Aretz la-Golah* (Jerusalem, 1951).

⁵⁸⁰ Yaari, 374; Barnai, 100-103.

unprecedentedly large number of three thousand. The Jewish community of Tiberias, which had ceased to exist in the seventeenth century, was revived in 1740, thanks to a combination of favorable local political conditions and the ceaseless efforts of the Istanbul Committee. There was a renewal of interest among some Ashkenazim, and indeed, the second half of the eighteenth century would see important immigration from eastern Europe. Kutover's move to the Holy Land was an early step in that direction, and interest in following him may have spread to other members of his circle, including Ezekiel Landau, as we shall see.⁵⁸¹

On his way to the Land of Israel, Kutover passed through Istanbul, where he remained for some time. Here he made the personal acquaintance of the Committee, which included the rabbinic and lay elites of that important community. As a prospective immigrant to Palestine, Kutover would naturally have wanted to coordinate his activities with the Committee. Moreover, as a rabbi distinguished for scholarship and piety, Kutover and the Constantinople rabbis would have many common interests to discuss.⁵⁸²

Ezekiel Landau had of course known of his friend's journey, and had asked him to show the rabbis of Istanbul a copy of his controversial responsum ruling that Haya Bernstein was an adulteress. Kutover did so, giving a copy to the *Hakham Bashi*, the Chief Rabbi of Constantinople, Yitzhak Bekhar David, one of the preeminent rabbinical scholars of the

⁵⁸¹On the revival of the Tiberias community, see Barnai 147-54. For Kutover's travels, see Heschel, *The Circle of the Baal Shem Tov*, 56-89. Heschel's essay on Kutover in this book is a translation of his biographical article, "Rabbi Gershon Kutover," first published in Hebrew in HUCA XXIII (1950-51), Hebrew Section, 17-72. It should be noted that Heschel's article does contain a number of inaccuracies and misreadings, see Barnai, "Notes on the Immigration of R. Abraham Gershon Kutover to Palestine." *Zion* 42 (1977) 110-19 (Heb.) For the improved conditions in the Holy Land, see Yaari, 343-535, and Barnai, *The Jews in Palestine in the Eighteenth Century*, *passim*.

⁵⁸²Heschel, 71-78.

day.⁵⁸³ Undoubtedly, Kutover circulated the responsum among other rabbinical scholars of the Turkish capital, introducing them, as it were, to the scholarship of the new rabbi of Yampol. Within a short time, Kutover was able to forward to Ezekiel Landau the *Hakham Bashi's* written critique of the responsum.

Evidently, Kutover first forwarded to Ezekiel Landau only part of the *Hakham Bashi's* comments, a critique of the first of Landau's six arguments (see preceding chapter). Landau wrote to his good friend in Istanbul, expressing amazement that this one criticism was the sole flaw the *Hakham Bashi* was able to discover in Landau's entire responsum. "Has this great scholar actually studied [my responsum] and come up with nothing to challenge save this point?!"⁵⁸⁴

To have one's work reviewed and critiqued by a world-class scholar is always flattering to an intellectual, and Ezekiel Landau's excitement at being taken notice of by the chief Sephardic rabbinical figure is evident from Landau's letter to Kutover, a letter which he subsequently included in the *Noda BiYhudah*. He received the letter, he tells Kutover, at one of the fairs, probably at Yaroslav, probably from a Levantine merchant. Landau was so excited, he tore the letter open and read it then and there. "They handed me your letter as I was walking in the marketplace (i.e., at the fair). I read it as I walked. I was shocked when I read [the *Hakham Bashi's* critique]. I reproached myself, 'How could I not have noticed this point which destroys my entire argument?'" You know how incredibly busy we rabbis are at the fairs. Nevertheless, I arose very early in the morning and studied the matter very closely. Upon doing so I saw that everything I had said was absolutely correct. Indeed, I was amazed at how a rabbi as great as [the

⁵⁸³See the entry to *Divrei Emet* in H.Y.D. Azulai, *Shem ha-Gedolim* (Livorno, 1774).

⁵⁸⁴תמהני אם כבר שם החכם הזה את עיניו ולבו על כל דברי ולא כביר מצא ידו די השיב רק על דבר זה? (Noda BiYhudah I Even Ha-Ezer 73).

Hakham Bashi] could fail to notice the final paragraph of my argument [which demonstrates the correctness of my argument]?"⁵⁸⁵

Landau proceeded to write a detailed rebuttal to Yitzhak Bekhar David's critique. Landau closed his letter to Kutover with the comment, "If you study my words you will, I think, concede that they are unanswerable. However, inasmuch as the law on this matter is particularly complicated and I am unable during this extremely busy time to study the matter with the required calmness and deliberateness, I do not claim that you must accept my opinion. On the contrary, the choice is yours." In the last lines Ezekiel urged his friend to probe further. "I request that if you find any other critiques of my responsum, you will forward them to me without fail. However, take care to do so through a trustworthy courier who will deliver it into my hands personally, lest it fall into strange hands who may doctor it."⁵⁸⁶

Abraham Gershon did so, and soon he forwarded to Yampol an entire detailed responsum by Bekhar David, critiquing Ezekiel Landau's responsum point-by-point. The tone of Landau's counter-response, also published subsequently in the *Noda BiYhudah*, betrays pride more than resentment. As one who was not a party to the scandal, the *Hakham Bashi's* remarks were strictly halakhic, dealing with the merits and demerits of Landau's legal argumentation; the tone was respectful, if critical. The *Hakham Bashi* certainly did not consider Landau's arguments ridiculous, and that was what must have mattered most. Clearly, Ezekiel Landau was flattered to

כאשר מסרו לי כתבו דרום מעלתו מדי עברי בשוק קראתי, והיה תמוה בעיני איך נעלם ממני דבר זה שהיא
תשובה מיניה וביה. ואף כי ידוע לרום מעלתו גודל הטרדות אשר עלינו בירידים הללו מכל מקום קמתי פעם אחת
לראש אשמורות ועיינתי היטב והנה כל דברי נכונים וישרים. ותמהני על החכם הכולל הגאון הזה אשר לבו כלב האריה
ועינו כעין הבדולח מדוע לא שם עינא לסוף דברי שם.

⁵⁸⁶ Ibid.

be taken seriously by such an authority, and it certainly set him part from most other Polish rabbis, who could not claim to be in correspondence with the Orient.⁵⁸⁷

We may be certain that Abraham Gershon did not confine his correspondence with his close friend Rabbi Ezekiel of Yampol to the reception of his responsum concerning the "Brody Scandal." Abraham Gershon remained in the Ottoman capital for some time, partly, no doubt, to arrange for his own immigration to Palestine. The Committee specialized in securing for prospective immigrants the necessary papers and permits from Turkish officialdom. We also know that Abraham Gershon became closely involved with the members of the Committee and the other Palestine activists. When he finally left for the Holy Land, he did so together with two leading members of the Committee, the brothers Rabbis Avraham and Yitzhak Rosanes and their families. All of them intended to settle in Jerusalem, no doubt hoping to help raise the intellectual and religious level of the community there. In other words, Abraham Gershon's *aliya* was part of a general pattern of revived Jewish immigration that took place in the wake of the success of the Istanbul Committee in stabilizing conditions in Palestine.⁵⁸⁸

Who paid Abraham Gershon's expenses? From a letter sent by the Committee to Ezekiel Landau in 1750 it becomes clear that Landau himself raised the money for his friend's settlement in the Holy Land, forwarding the funds to a member of the Committee, Moses Tzontzin (Soncino) of Istanbul, who had established close relations with Abraham Gershon, and who was in a position to forward the money to Palestine. When Moses Tzontzin died several years later, the Committee hastened to inform Ezekiel and to assure him that another intermediary, the merchant brothers Camondo of Istanbul, had been appointed to act as transmitters of the funds to

⁵⁸⁷ Ibid., 74. `

⁵⁸⁸ Heschel, *ibid.*; Yaari, 520; Barnai, 7-36.

Abraham Gershon. Landau had written them because Tzontzin had lately failed to follow the usual procedure. Usually, Tzontzin forwarded the funds to Jerusalem and received from the Ashkenazim there receipts for the funds. Tzontzin then forwarded the receipts to Ezekiel Landau. The Committee now informed Landau that Tzontzin was out of the picture and had been replaced by the Camondos. We see that Ezekiel Landau was actively involved, not only in the transfer of the funds, but in the process of accounting for their correct disbursement. He clearly was intimately acquainted with Palestinian affairs at this period.⁵⁸⁹

From the Committee's letters as well as from our general knowledge of the era it is clear that Ezekiel Landau was viewed by the Committee with great respect and friendship for two reasons. First of all, he was a known scholar and a close friend, correspondent, and financier of Abraham Gershon, who was liked and respected by the Committee. Secondly, and perhaps even more importantly, Ezekiel Landau was an Ashkenazi rabbi who was willing to work with the Sephardi Committee, to send funds exclusively through them, and to coordinate all Palestine activities with them.

One of the great controversies of the mid-eighteenth century revolved around the question of how the moneys raised for the Jewish communities of Palestine were to be divided. There were three questions here: how to divide the funds among the three extant Jewish communities, those of Jerusalem, Safed, and Hebron (and after 1740, Tiberias); how to divide the money between the Ashkenazim and the Sephardim; and how to raise the money, through a kind of "United Jewish Appeal" centrally directed and coordinated by the Istanbul Committee, or through separate and individual appeals by the various Palestine communities and sub-groups.

⁵⁸⁹ Heschel, 72-76 and especially 102-106, where Heschel published two letters from the Committee to Ezekiel and his cousin, explaining and justifying to them the details of the disbursement and the accounting procedures.

The Istanbul Committee, not surprisingly, wanted to control all fundraising and allocation. Many Ashkenazim, not surprisingly, were suspicious of a Sephardi-dominated committee, fearing discrimination in the allocation of funds. The middle decades of the eighteenth century witnessed repeated attempts by the Ashkenazim to bypass the Committee and set up their own fundraising sources. These attempts exasperated the Committee, which found itself constantly reassuring the Ashkenazic communities of Europe that no such discrimination was taking place, and that the latter should continue to channel their funds through the Committee.

In this controversy, Ezekiel Landau throughout his career sided with the Istanbul Committee, again and again testifying to their honesty and evenhandedness. Landau did so based upon his experience, which dated from the beginning of his rabbinate in Yampol, when he began forwarding the funds he raised to help his friend Abraham Gershon to the Sephardi Committee with whom Abraham Gershon had established the closest of relations.

In this light it is not surprising that the Committee took pains to cultivate and even co-opt Abraham Gershon. Aside from his own prestige in the Ashkenazi world, he had a network of friends in Poland, including the rabbi of Yampol as well as his own brother-in-law the Besht, who were good sources of funds. The wise policy of the Committee paid off, and Ezekiel Landau channeled his funds through Constantinople for many decades. In a letter written by them to Landau in 1750, the Committee took pains to assure him that all the money he sent for the use of the Ashkenazim of Palestine had been forwarded to them; the Sephardim had not taken a penny, "even though you know that we Sephardim always share our own moneys with the Ashkenazi poor." The Committee clearly desired to allocate Landau's money equally among both Ashkenazim and Sephardim. The Committee was always in desperate need of funds to pay the enormous *baksheesh* required to maintain the existence and basic security of the *yishuv*, both

Sephardi and Ashkenazi. Nevertheless, they did not tamper with Landau's allocations because they realized what a coup it was to have the money from Poland forwarded directly to them, dramatically confirming their role as the dominant institution for the control and regulation of Palestinian affairs in the Jewish world.⁵⁹⁰

Landau repaid the Committee's straightforward dealings with him by loyally supporting their efforts throughout his career and particularly by championing their cause among his fellow Ashkenazim. In 1771, he composed an eloquent testimonial to the probity of the Istanbul Committee. This was occasioned by the journey of an Ashkenazi *shaliah* not authorized by the Committee. The emissary was none other than the son of Abraham Gershon Kutover, Hayim Aaron. The latter traveled through Germany soliciting donations which were to go directly to the Ashkenazi community of Jerusalem, and he was successful, for he was the son of a famous father. When other, Sephardi, *shelihim* who had been licensed by the Committee visited the German communities to collect donations, they found that all the money had been given to Hayim Aaron Kutover. The *shelihim* turned to Ezekiel Landau, at that time rabbi of Prague. Chief Rabbi Landau published a circular letter sent to all the Ashkenazi communities in Central Europe. Taking care to be diplomatic, Landau praised Hayim Aaron as honest, good, popular, and of distinguished lineage.⁵⁹¹ Landau then went on to criticize the unlicensed *shaliah* for suggesting that the Ashkenazim were not being treated fairly by the Sephardi Istanbul Committee. "Do we not all have one father? Are we not all the children of Abraham, Isaac, and Jacob? I know personally that the Sephardim do right by the Ashkenazim. I can publicly testify that Hayim Aaron's father received generous stipends from the Sephardim of Constantinople all the time he lived in the Orient. It is well known that those funds which the Sephardim do not

⁵⁹⁰ Yaari, 521-534; Heschel, 104; Barnai, 74-80, 100-103.

forward to the Ashkenazim are used to pay the taxes that are levied on the Jewish communities of Palestine as a whole, and to pay off the interest on debts incurred by the communities there. So you see, these moneys are used to meet obligations which fall upon all of us equally, Ashkenazim as well as Sephardim. We all benefit, for [if these obligations were not met], no Jew of either community could remain in the Holy Land. Therefore I appeal to you, my Ashkenazi brothers, the money that has been raised for the Jews of Israel belong to the whole Jewish nation, Ashkenazim as well as Sephardim. Do not discriminate against the Sephardi *shelihim*."⁵⁹²

We do not possess the correspondence between Ezekiel Landau in Yampol and Abraham Gershon in Constantinople and later, in Jerusalem and Hebron. All that survives is one letter that was included in the *Noda BiYhudah* because of its halakhic content. This is the letter concerning the *Hakham Bashi's* critique of Landau's responsum, mentioned before. However, even from this letter it is clear that that Abraham Gershon kept his friend apprised of the affairs of the Committee in general, including such an item as the recent death of one of the Committee's leading members, David Zonano, a powerful Ottoman "Court Jew" who used his influence of behalf of the Committee's efforts. Abraham Gershon had written that David Zonano's place at court and on the Committee had been taken by his son Jacob. In his own letter, Landau writes: "I was happy to hear that 'God has remembered His people' and has secured for them the compassion of the mighty king of Ishmael [the Sultan of Turkey], and that he has appointed David Zonano's son in the place of the father...May the son find favor in the eyes of the king and his counselors, and go from strength to strength." Apprised of the latest changes at the Ottoman

משולח נחמד, אהוב לשמים ולבריות, משולח נאמן, בר אוריין ובר אבהן⁵⁹¹

⁵⁹²Yaari, 532; Heschel, 87-88. See also Raphael Mahler, *A History of Modern Jewry: 1780-1815* (New York, 1971) 646.

Court (insofar as it affected the Jews there and in Palestine), Ezekiel Landau was no typical provincial small-town Polish rabbi.

Landau's connection with Abraham Gershon and his fundraising and networking activities seem to have granted him a kind of status as an expert in Palestinian affairs. In 1750, the Council of the Four Lands held a session in Constantine, Volhynia, not far from Yampol. On the agenda was Palestine. Attending the conference was Yehudah Yeruham Ashkenazi of Jerusalem, who claimed to be a *shaliah*, an official emissary from the Ashkenazic community of that city to Polish Jewry. Yehudah Yeruham was not licensed by the Istanbul Committee, and he seems to have circumvented the Committee to raise funds for his fellow Ashkenazim independently. At the session, two official *gabba'im*, comptrollers, were appointed to coordinate the collection and transfer of funds from all of Polish Jewry to Palestine. The two were Ezekiel Landau of Yampol and his cousin Jacob Landau of Tarnopol. This was a prestigious appointment, an office of high trust, since a great deal of money was to pass through their hands. There can be no doubt that Landau's prior involvement with Abraham Gershon and his other contacts with Istanbul led to his being viewed as the most appropriate candidate for the position. And of course, the fact that he was a Landau did not hurt, either.⁵⁹³

The commission as *gabbai* for the Palestine funds was signed by Yehudah Yeruham. However, it subsequently became clear that Yehudah Yerucham may not have actually been sent as an emissary by the Ashkenazim of Palestine, and that he may have been in business for himself. He was accused of all sorts of chicanery, including the pocketing of the money for his

⁵⁹³The document is in the form of a copy of a letter sent by Ashkenazi to the rabbi of Zmigrod, Manes Segal, a brother-in-law of Ezekiel Landau, yet another example of the role of family connections in public affairs. The document is reprinted in Halpern, *Pinkas Vaad Arba Aratzot*, document no. 665, p. 338. See also Yaari, 526, and Isaac Lewin, *The Jewish Community in Poland* (New York, 1985), 179.

own use. The Istanbul Committee in particular had it out for him. However, none of this seems to have affected relations between Ezekiel Landau and the Committee, through whom he continued to forward the moneys during the next decades.⁵⁹⁴

Although we possess no hard information, it is interesting to note that Ezekiel Landau was not the only person in Poland who had a close relationship with Abraham Gershon. The Besht was the latter's brother-in-law, and also sent him money. It is quite likely that the Besht transferred the money through Istanbul since Abraham Gershon was on the best of terms with the Committee, among whom he numbered many close friends and correspondents. Did the Besht forward the moneys through Ezekiel Landau, who we know from records *was* engaged in arranging such transfers? If so, it would indicate yet another connection between the two men historians are so quick to portray as enemies or as opposed to each other. As stated in the preceding chapter, this image needs to be revised.⁵⁹⁵

There was another reason for Ezekiel Landau's preoccupation with Palestine affairs: his own prospective *aliyah*. Decades later, in 1790, upon the death of his wife Lieba, Landau's colleagues, the rabbis of Prague, eulogized her as one who in her early years was a paragon of wifely self-sacrifice. Among other things, they recounted how, in Ezekiel's paraphrase of their remarks, "she was willing to journey with me to the Holy Land" (ושהיתה רוצה ליסע עמי לארץ) (הקדושה). Ezekiel Landau, it seems, had planned on following his friend to Palestine. When?

⁵⁹⁴ Yehudah Yeruham Ashkenazi claimed to be collecting money for the Jews of the Holy Land, but he pocketed the money for himself and did not even return to Palestine. For details of the affair, see Yaari, 526-7.

⁵⁹⁵ In his letter to the Besht written from Hebron in 1748 (see Barnai, "Notes," 113-114), Abraham Gershon mentions a letter to the *gaon* Rabbi Ezekiel." The letter is printed in B. Kahana, *Birkat Ha-Aretz* (Jerusalem, 1904), 63a and Yaari, *Iggerot Eretz Yisrael* (Tel Aviv, 1943), 286.

Perhaps at the time of the scandal in Brody, perhaps later. One thing is certain; the Holy Land was not some distant, imaginary goal. It was a very real place to Ezekiel Landau, and he had a realistic grasp of the political and economic difficulties involved in settling in Ottoman Palestine in the eighteenth century.⁵⁹⁶

Perhaps it was the awareness of these difficulties which persuaded him not to go. Abraham Gershon certainly had a difficult time of it. Although he was well-received in the communities of Jerusalem and Hebron, he was lonely and spiritually dissatisfied. "Although," he wrote to Poland, "the distinguished Sephardic scholars love me dearly and perform all services for me, [such that] I never even have to go out of the courtyard of the house, still, our natures differ, and I have found no man after my own heart...I did not expect to be so unhappy here."⁵⁹⁷

Polish Affairs: The Budding *Posek*

One made one's reputation in the Polish rabbinical world through scholarship. As we have seen, scholarship could be either pilpulistic or halakhic, that is, theoretical or practical-legal. During the decade he served in Yampol, Ezekiel Landau's reputation grew in both areas, although it was the halakhic that led to the offer of great rabbinical positions. Indeed, during the decade 1745-1755, Landau, who was in his thirties, emerged as a halakhic authority. Much of the material from these years was lost in a fire in Prague in 1775. However, some survived. These

⁵⁹⁶The eulogy is in *Ahavat Tziyon* (Prague, 1826) 11a. For the date of Lieba's death, see Kamelhar, *Mofet Ha-Dor*, 86.

⁵⁹⁷ Quoted in Heschel, 82-83.

include a series of legal questions addressed to him during those years by colleagues, questions involving sensitive matters of Jewish law, namely, *agunot*, women unable to remarry because their husbands are missing without proof that they are dead. These questions, Ezekiel Landau's responsa, and the correspondence they generated, were published by Chief Rabbi Landau of Prague in the *Noda BiYhudah* decades later.⁵⁹⁸

Interestingly, the first of the questions was not actually addressed to Landau; he chose to involve himself in the problem. Landau was in Brody during a commercial fair or market day (יומא דשוקא) when a controversy arose concerning an *agunah* case. A man from Niemirow had disappeared. A visitor to Niemirow subsequently stated, first privately and then in court, that he had seen the missing husband's corpse, which he identified by facial scars and other distinguishing physical characteristics known in legal terminology as *simanim*, signs. Indeed, the visitor had been the one who buried the corpse. However, when asked to testify in court, the witness refused unless he was paid for his troubles. The *agunah*, for her part, was more than willing; she paid him handsomely and he did testify. The payment became a bone of contention, for ordinarily under Jewish law a witness who is paid is not believed. The rabbi of Niemirow in whose court the visitor testified and in whose bailiwick the *agunah* resided argued that the testimony was nevertheless valid inasmuch as the disqualification of hired testimony did not technically apply in this case for a variety of subtle legal reasons. The rabbi of Kolki, the Niemirow rabbi's brother-in-law, wrote a concurring opinion, and now at the Brody fair other concurring opinions were solicited.

This was neither surprising nor unusual. Permitting a married woman to remarry in the absence of clear proof of her husband's death is regarded as a dangerous business; if the court

⁵⁹⁸ *Even Ha-Ezer* 29-36.

errs, the possible consequences are halakhically catastrophic, for if she does remarry and has a child, that child is a *mamzer*, illegitimate. Such an outcome is considered disastrous in Jewish law. There is no worse judicial mistake in modern Jewish law (when courts cannot impose capital punishment) than a ruling that results in a *mamzer*. Such a Jewish court is morally discredited; the incorrect verdict is viewed as nothing less than a sign from heaven that God disapproves of the court. Accordingly, it was common practice for a court, especially one not headed by a *gadol*, an outstanding, recognized first-rank scholar, to either shy away from judging such cases or to solicit as many concurring opinions as possible in order to buttress its ruling. That is why the case came up at the Brody fair. Were the famous scholars of Brody to concur, the rabbi of Niemirow would sleep more easily, and the woman in question would have a less difficult time finding someone willing to marry her.

Ezekiel Landau was not a resident of Brody. "Although it is not my affair and the case is not under my jurisdiction, nevertheless, I cannot be silent when faced with the plight of an *agunah*."⁵⁹⁹ And yet, Landau's responsum consisted of a point-by-point rebuttal of the written arguments of the Niemirow rabbis, which had the effect of invalidating their ruling and denying the woman the right to remarry. However, Landau then proceeded to issue his own, independent, ruling permitting her to remarry. In other words, the reasoning of the Niemirow court was flawed; indeed, Landau accused them of sloppy scholarship. However, other, sounder, reasons could be adduced to free the *agunah*. The testimony, Landau declared, was not classified as hired since the visitor had told his tale outside of court before he was subpoenaed and demanded payment. The testimony, however, was flawed from another aspect, namely, that the visitor did not know how long the body had been dead. If the corpse was more than three days old the recognition of

the identity of the corpse was called into question. This very important issue had been completely overlooked, Landau charged, by the Niemirow court. "There is a serious flaw in the testimony which the [Niemirow court] did not even notice. A great mountain was for them flat land!"⁶⁰⁰

It seemed that Ezekiel Landau had undermined the court's ruling and that the woman was unable to remarry. On the other hand, in her favor was the fact that the visitor had not only recognized the body (which was problematic due to the possible lapse of time during which the body may have distended), he had also identified physical marks on the corpse, such as a facial scar. Such *simanim* are not disqualified by a time-lapse, provided they are sufficiently unusual or unique. But was the evidence in fact sufficiently unique to constitute a good *siman*?

At his point Landau made a remarkable general statement concerning rabbinical jurisprudence. "It is certainly possible to find in the voluminous responsa literature somebody, some rabbi somewhere, who rules leniently in such a case. But if we follow such a policy we make a mockery of the law, for anyone can find any precedent he wishes [among such a multitude of opinions]."⁶⁰¹ Real *poskim*, truly competent jurists, did not resort to the writings of the *Aharonim*, the post-medieval books and especially responsa, which were of such uneven quality. The true *posek* derived his precedents and conclusions from the *Rishonim*, the medieval authorities who had both sovereign control of the sources as well as absolutely sound judgment, even though there were innumerable serious disagreements among them. "I never base a conclusion on the responsa of the *Aharonim*. Why should we gnaw bones at the table of the

אף שלא עלי המלאכה לגמור ולא אדון אני בדבר הזה, מכל מקום לתקנת עגונה לא אחשה⁵⁹⁹

שיש כאן ריעותא בגוף העדות מה שלא ידעו והרגישו כלל, והיה ההר הגדול לפנייהם למישור⁶⁰⁰

אם נרצה לעיין בתשובות האחרונים מה שהכריעו...אזי נתת תורת כל אחד ואחד בידו, כי נוכל למצא כמו שנרצה⁶⁰¹

Aharonim when we can eat juicy meat at the golden table of the *Rishonim*⁶⁰² All the *Aharonim* did was analyze the words of the *Rishonim*. A true scholar studied primary sources and reached his own conclusions!⁶⁰³

If sound legal proof was to be adduced to permit the remarriage of this woman, it would have to derive from the *Rishonim*. Moreover, in a case of such gravity, such a ruling should preferably not conflict with the opinions of any of them, a difficult task indeed. In this case, the great thirteenth century *Rishon* Solomon ibn Adret inclined to strictness in cases where it was unclear that the corpse was more than three days old, though the equally authoritative twelfth century Jacob Tam inclined to leniency. Ezekiel Landau strove mightily to build an argument to prove that in this particular case, the corpse of Niemirow, circumstances were such that even ibn

אדגרמי גרמי תחות פתוריהו דהנך בתראי, ליכול בישראל שמינא מפתורא דדהבא דקמאי⁶⁰²
This is a paraphrase of a dictum in the Babylonian Talmud, *Bava Batra* 22a.

⁶⁰³On Ezekiel Landau's attitudes towards *Rishonim* and *Aharonim*, see the Master's Dissertation of Israel Hess, "Rabbi Ezekiel Landau and his Position in the History of the Halakha," (Ramat Gan, 1979), 80-83, 180-242. A typical statement, one of many: "You asked me why I cited a statement by [the thirteenth century German *Rishon*] Meir of Rothenberg when the same concept is stated explicitly in [the famous seventeenth century commentators on the Shulchan Arukh] the *Shakh* and the *TaZ* [who were *Aharonim*]. I am surprised at your question. It is like asking a person why he prefers to drink fresh water directly from a spring rather than drawn water that lies in a bucket. From where did the *Shakh* and the *TaZ* derive their conclusions? From Meir of Rothenberg! Why, then, quote from secondary sources?" (*Noda BiYhudah Hoshen Mishpat* II 26).

Commenting upon eighteenth century *pilpul*, Gotthard Deutsch, who had a basic familiarity with this style of learning, observed: "The general principle of dialectics is an artificial harmonization of real and apparent contradictions in rabbinic literature based on the principle that the whole Torah is one, and that there can be no contradiction between its representatives. The Jewish soul is characterized by its childlike veneration of the past, and consequently any idea found in an old work is above criticism. On the other hand, this submission to old authorities seems to lead to a certain delight in showing independence of younger authorities, and so the distinction between old authorities, *Rishonim*, and younger authorities, *Aharonim*, is constantly accentuated." G. Deutsch, *Scrolls: Essays on Jewish History and Literature* (New York and Cincinnati, 1917), II 270.

Adret would rule leniently, and it was on this basis that Ezekiel Landau issued a ruling allowing her to remarry.⁶⁰⁴

It is instructive to note that Landau had resorted to this extended and complex argumentation in spite of his stated aim of finding a way to rule leniently in the case and concur with the opinion of the rabbi of Niemirow. "We prefer if possible to [find a way to] permit this unfortunate woman [to remarry]. Indeed it is our bounden duty to come up with any possible leniency in order to make it easy for this *agunah*."⁶⁰⁵ And yet, he had torn the plausible arguments of the Niemirow court for leniency to shreds and had refused to take advantage of perfectly legitimate precedents in the responsa of the *Aharonim*! This indicates that the subtext of Ezekiel Landau's responsum was: It is good to be lenient in *agunah* cases, but standards of legal scholarship may not be lowered in order to do so. Such cases should be left to the real rabbinic experts, such as himself and his colleagues.

There was more than a little *hutzpah* in a youngish thirty-something rabbi reproving his seniors while showing them how to do law right, but Ezekiel Landau was establishing a reputation as an unusually capable *posek*, mature and experienced beyond his years, and he was not doing so at the expense of the *agunah*, but of rabbis who had engaged in hasty and sloppy scholarship, as he saw it. Of course, he could not boast; this would be unseemly. On the contrary, the thirty-something rabbi concluded by stating that his opinion was just that, an opinion, not a ruling, and was not to be relied upon in so weighty a matter. Instead, the concurring opinions of three leading rabbis: his uncle Yitzhak of Lvov, the rabbi of Czortkow, and the rabbi of Stanislawow, were to be solicited. "Do not rely upon me, for even that which is explicit is unknown to me, so

⁶⁰⁴ *Noda BiYhudah Even Ha-Ezer* I 29.

⁶⁰⁵ ועדיף לן כח דהתירא להתיר העלובה הזאת אהרי שעל זה אנו מצווים ועומדים להמציא כל צד היתר שאפשר כדי להקל בעגונה

poor is my scholarship. After all, where there are no years there is no wisdom. Only age and experience count in such matters. I am an empty vessel. Let the great ones of the generation judge. If they come to the same conclusion, I am willing to accept responsibility for the ruling as a concurring opinion. In any event, I know these three rabbis to be motivated solely by truth. If they rule leniently, it will not be because they were paid off."⁶⁰⁶

The last statement, of course, speaks volumes about the contemporary state of the rabbinate. Ezekiel Landau was still smarting from the "Brody Scandal," where Haya's family had obtained a favorable ruling. Landau must have been convinced that the ruling in that scandal, issued by his uncle's rival for the Lvov rabbinate, had been purchased. Indeed, the reference in this responsum to his uncle as one who did *not* take money for such rulings is an indirect slap at the uncle's rival, Hayim Kohen Rapoport, who had issued the ruling exonerating Haya Bernstein.

Perhaps it was taken that way. Landau's responsum provoked criticism from the scholars of Brody and from none other than Aryeh Leib Bernstein, "rabbi of Zbarov (Zbarazh)," whose own marriage had benefited from such "arrangements." They attacked certain of Landau's arguments, and Landau wrote a spirited point-by-point rebuttal of their criticisms, referring to some of these as "laughable." He devoted particular attention to refuting Aryeh Leib's arguments, concluding the long responsum, "and with this all the arguments of the rabbi are destroyed."⁶⁰⁷

The point is that Ezekiel Landau involved himself in an important and sensitive case, although in such a manner (i.e., through appropriate declarations of self-abnegation) as not to

אם הם יתנו מהודם על דברי ויסכימו להתיר, בין מטעמא דידי ובין מטעמא אחרים גם אנו אהיה סניף לאריות אחרי 606 שבטוח אני בהם שדעתם לשם שמים ואם יתירו לא ירצו מזה שום הנאת ממון...ועל כל פנים עלי לא יעמידו שום בנין כל שהוא כי אולי אפילו דבר פשוט נעלם ממני, כי אם זקנה אין כאן חכמה אין כאן, ימים ידברו ורוב שנים יודיעו חכמה, ואני כלי ריקן קנקן חדש שאפילו חדש אין בו, והגדולים שבדור המה יתנו עדיהן ויצדיקו הדברים אם ייטב בעיניהם.

607 Ibid., 30. ובוזה נסתר כל דברי הרב.

seem presumptuous. Notwithstanding what he said about his own youth and inexperience, his views were on the table, and his scholarship and judicial abilities had been placed on display.

A different example of the tension between the worthy ambition to shine and the ill-concealed pride in his abilities on the one hand, and his adherence to a culture that placed a premium on humility, especially from the young, on the other, is reflected in another responsum from this period, from 1751.⁶⁰⁸ Here the *agunah* was a woman from his own community, Yampol. As the communal rabbi, it was his responsibility to handle her case; he was certainly entitled to original jurisdiction. On the other hand, such matters were considered so delicate, the consequences of misjudgment so severe, that rabbis not infrequently referred the case to more authoritative, senior colleagues in other communities, colleagues recognized by the rabbinic and scholarly world as experts in such matters. In this case Ezekiel Landau wrote the ruling on this complicated case permitting the woman to legally assume the missing husband dead and to remarry. Once again the legal problem in this case was the length of time that had elapsed between the death and the discovery of the body. If the corpse was found more than three days after death, the halakha regards the body as not identifiable, which would leave the wife without permission to remarry. If there is a doubt as to the amount of time that had elapsed, if it was possible that it had not been more than three days, then, as we have seen, there are two opinions recorded in the *Shulhan Arukh*, that of Rabbi Jacob Tam and that of Rabbi Solomon ibn Adret, two seminal medieval halakhic authorities. Jacob Tam ruled that the court had the right to assume that the body was not more than three days old; hence the body could be legally identified and the wife could remarry. Ibn Adret disagreed.

⁶⁰⁸ *Even Ha-Ezer* 31.

In giving his ruling, Ezekiel Landau noted that it was certainly possible for a judge to rely upon an opinion published in the *Shulhan Arukh*. According to Rabbi Jacob Tam, there was no problem in allowing the woman to remarry. However, Landau was not satisfied. "I wish to demonstrate that the woman in this case would be permitted to remarry even according to ibn Adret." He wanted to prove this "because when it comes to issuing actual legal rulings I am afraid to poke my head in between two giants of the halakha."⁶⁰⁹

Landau went on to attempt to do this in another lengthy responsum. However, he ended the essay with the following reservation: "My permission is not to be relied upon without the concurrence of two leading rabbis (גדולי הדור). If they agree, count me as the third. If they do not, regard everything I have written as a mere pilpulistic exercise."

Here we have an example of two competing dynamics. On the one hand, the desire to demonstrate the correctness of his position with a mass of erudition and logic. On the other, the fear of error, which can only be assuaged if other, greater, scholars concur. "If they will carry the heavy burden with me, I will carry it with them."⁶¹⁰ The rabbinic world contains the desire for creativity, for daring, even, especially from the gifted, the brilliant. Yet at the same time, it is deeply, profoundly, conservative, fearful of the daring, the innovative. It seeks constant reaffirmation that the innovative is not innovative at all, that the young scholar's opinions are in conformance with the teachings of the seniors.

Similar statements may be found at the end of the other responsa from this period. "Do not rely upon me. I know my weakness as a scholar, especially in such a serious matter as *agunot*. This question should be decided by the great rabbis who are true experts in the Talmud,

ונתתי אל לבי לתור ולדרוש למצא היתר גם אליבא דרשב"א, כי מיראי הוראה אני להכניס ראשי בפלוגתא ⁶⁰⁹ שנחלקו אבות העולם

אי דרו בהדי, דרינא בהדייהו ⁶¹⁰

not by a nobody such as myself. Why, then have I written an opinion? What can I do? The case happened in my community, my jurisdiction, so I tried to do my bit to help this unfortunate woman. However, do not under any circumstances refrain from obtaining two concurring opinions from my colleagues here on the *beit din*. Do not say, 'The communal rabbi permitted her; that is sufficient.' Indeed, I also require the concurrence of at least one of the great scholars of Brody. Only then may you count me in."⁶¹¹

In spite of all these statements of humility, Ezekiel Landau was publishing an impressive amount of scholarship in this highly technical and sensitive area of law. His reputation obviously rose as a result. A writer as prolific as Ezekiel Landau undoubtedly produced a great volume of responsa in other areas of Jewish law, which were lost in the Prague fire of 1775. These works of scholarship circulated in the form of copies and reports, and demonstrated that the rabbi of Yampol was a rising star, a new *posek*, a halakhic authority to whom other scholars increasingly turned, whose opinion was increasingly solicited.

The Orator: *Drush*

Ezekiel Landau did leave one permanent literary legacy of his years in Yampol. He composed a work of *drush*, pilpulistic homiletics, modeled on a recently published work by an Istanbul rabbi which had made quite a stir in the scholarly world. To understand Landau's

⁶¹¹Even *Ha-Ezer* 32. Along these lines, see Katz, *Tradition and Crisis*, 143-144.

relation to this work and genre, it is necessary to understand the place of *drush* in the life of the communal rabbi.⁶¹²

The eighteenth century Polish communal rabbi was expected to be a competent halakhist, and as much as possible a talented Talmudist-pilpulist. He was not expected to be an orator, a great public speaker, or an inspiring preacher. Not that there was no interest in preaching. The Jewish life-cycle, after all, called for public speaking. Funerals, circumcisions, weddings, bar-mitzvas, etc. were traditionally graced with some form of public address. However, these were not the province of the communal rabbi but of another person, usually the *magid*, or professional preacher. The more substantial communities hired full-time *magidim* to service the community. The smaller or poorer communities made do with the numerous wandering *magidim* who circulated throughout Ashkenazic Jewry in Central and Eastern Europe. Indeed, to deliver, say, a wedding or bar mitzva address was considered beneath the dignity of the communal rabbi.⁶¹³

⁶¹² The best academic survey of the phenomenon of rabbinic preaching is Marc Saperstein's *Jewish Preaching, 1200-1800: An Anthology* (New Haven, 1989). This work contains a full bibliography. The best non-academic survey is Shimon Yaakov Glicksberg, *HaDrashah be-Yisrael* [The Sermon in Jewish History] (Tel-Aviv, 1940).

⁶¹³ On the preaching function of the communal rabbinate and the phenomenon of the itinerant as well as the communal *magidim*, see Assaf, "Le-Korot," 52-3, and Katz, 144-7. For a delightful nineteenth-century illustration of the view that delivering addresses at weddings and the like were beneath the dignity of a traditional communal rabbi, see Gotthard Deutsch's biography of Leyser Lazarus. Lazarus, the successor of Zechariah Frankel as head of the famous Jewish Theological Seminary of Breslau, was for many years a rabbi in Prenzlau, a small East Prussian community. Lazarus, a western-educated rabbi, performed the usual duties of a Jewish clergyman in a mid-nineteenth century East Prussian community, including pastoral visits and delivering addresses on life-cycle occasions. Lazarus also happened to be a first-rate Talmudist, a rarity among German rabbis of that period. A Polish Jew of the old school visited the community on business and was surprised to see a genuine Talmudist delivering addresses at weddings and confirmation ceremonies. The Polish Jew said to Lazarus, "You should come to us in Poland. There you could be a rabbi. But here, what are you? A *melamed* (elementary school teacher) and a *marshalik* (a *badchan*, jester, buffoon - in Poland it was the jester who delivers the address at a wedding)!" *Scrolls*, II 269. See also along these lines Yaakov Mark, *Gedolim fun Unzer Tzeit* (New York, 1927), 252.

Not that the communal rabbi never preached publicly. He did, but rarely. There were only two occasions where the communal rabbi was actually expected to preach to his community. First there was the pair of Sabbaths, the Sabbath before Passover and the Sabbath before Yom Kippur. These were occasions where, according to the Talmud, since the days of Moses the official communal rabbi was supposed to instruct his flock as to the halakhic regulations of these two holidays.⁶¹⁴ Both Passover and Yom Kippur both are subject to numerous religious laws, indeed, a veritable complex of regulations. Such a complex requires the expert halakhic guidance which was supposed to be the communal rabbi's special province. Thus, the formal public guidance offered by the communal rabbi on such occasions was a social manifestation of the rabbi's privileged status as *the* final arbiter of the Torah in his community: The rabbi directed and the community followed. In point of fact, however, the purely halakhic material was subsumed in a pilpulistic discourse. The rabbi would formally present a halakhic topic, but would immediately proceed to discuss the sources of that halakha, and apply the pilpulistic methodology to them, raising contradictions, reconciling them, raising new ones, etc. The straightforward legal lecture quickly became a pilpulistic exposition.⁶¹⁵

In addition to the dry halakhic material, the communal rabbi was expected to deliver a kind of religious "State of the Community" address in which he called attention to, and admonished them to repent from whatever sin or sins were popular at the moment. This

⁶¹⁴ Babylonian Talmud, *Megilah* 32a; Assaf, *ibid.*; Katz, 145.

⁶¹⁵ Assaf ("Le-Korot," 53) argues that this development was due to the fact that most of the audience were already familiar with most of the religious laws; thus, a straightforward review of these laws from the pulpit was boring. The pilpul was introduced to make the *drasha* interesting. On the other hand, the famous Brody halakhist Ephraim Zalman Margoliot (died 1827) gave a devastating critique of contemporary pre-Yom Kippur sermons. Instead of inspiring the audience with stories and other devices which the listeners, male and female, were able to comprehend, the communal rabbis digressed into pilpul, which delighted the few able to follow it, but which

admonition was called *mussar*, "chastisement," and was an essential element of Jewish religiosity, the earliest text, as far as the traditionalist Jews was concerned, being Moses' lengthy admonition of the Children of Israel in the Book of Deuteronomy in ancient times. It is this part of the pre-Passover and pre-Yom Kippur speeches that have been of such fascination to social historians, for they invariably contain a laundry-list of the perceived failings and sins of the communities. They constitute a kind of contemporary social criticism, a social criticism institutionalized in the ritual life of the community, for it was the actual *duty* of the communal rabbi to call attention to these problems and admonish the community to improve. Of course, these criticisms are treated by the historian with a certain reserve, for the rabbi may exaggerate for effect, or he may overlook in order to avoid offending too much. In general, the rabbi's view of his community was mediated by the world-view of the rabbinic literature and culture in which he was immersed; such a view may not correspond to the view of another critic. Nevertheless, the *mussar* of the sermons is continually studied by social historians for the many nuggets of real life they undoubtedly contain.⁶¹⁶

The two pre-holiday speeches were basic to the communal rabbinical function, and were routinely included in rabbinic contracts, including Ezekiel Landau's contract with the community of Prague, which is extant.⁶¹⁷ There was one other occasion when the Polish rabbi was expected

"turned off" the great majority of the audience, who would leave in the middle of the sermon and repair to the street to loiter and gossip, see Margoliot's *Mateh Ephraim* (Zolkiev, 1835) 602:41

⁶¹⁶ "In addition to interpreting religious law, the rabbinate...was charged with the task of public exhortation to the observance of the law." Katz, 144. Concerning the *mussar*: "The congregation and its leaders here allowed themselves to be reproached and did not respond (Ibid., 146)." Elsewhere, Katz has dealt with the question of how historians ought to evaluate the *drasha* literature in their work. See his "*Al Halakha u-Drush ke-Mekor Histori*, in Jacob Katz, *Halakha ve-Kabbalah*, (Jerusalem, 1984), 333-339. Marc Saperstein discusses "Sermons and History" in *Jewish Preaching*, 79-89.

⁶¹⁷ Assaf, 52 and especially 64 (copy of an actual contract; Jacob Katz, *Ha-Halakha be-Meitzar*, 284, 294. For Landau's contract with Prague, including the preaching clause, see Kamelhar, 19

to speak publicly, although this was not formally stipulated. The rabbi was expected to deliver eulogies for distinguished men and women, especially famous rabbis. This obligation derived, no doubt, from the extreme disapprobation the Talmud expresses for the failure of a community to adequately eulogize a righteous person: "Whoever is lax in properly eulogizing a Torah scholar deserves to be buried alive!"⁶¹⁸

Outside of these occasions the communal rabbi was not expected to deliver public addresses. However, the rabbi was not restricted to these occasions. He could speak whenever he deemed appropriate, especially on special calendar dates, such as the annual religious festivals, the special penitential period of the months of Elul and Tishrei (August-September), and the anniversary of the death of Moses (the 7th of Adar). There were also inaugural sermons, farewell sermons, and celebrations of the publication of a book, the concluding of the study of the Talmud or one of its tractates, or the founding of a school or a society.

This preaching flexibility allowed those rabbis with an inclination and/or talent for preaching to exercise their abilities, while relieving those who were not so inclined. It seems that most Ashkenazic rabbis preached the minimum: The two Sabbaths per year, a funeral or two, and perhaps a little more. The regular preacher was not the rabbi but the *magid*, who may or may not have been a scholar, but whose prime qualification was preaching ability. Usually, the *magid* was an expert in the *aggadic* rather than the halakhic literature. The *Agadah* is the non-halakhic part of the Talmud, which was conveniently collected in the sixteenth century in a work entitled *Eyn Yaakov*. But the *Agadah* also included the Midrash, a literature of homilies from the Talmudic era arranged according to the verses of the Bible. Indeed, the Midrash is a collection of

(the contract was originally published by David Kaufman in *Ha-Eshkol* I 179-180), and the discussion in the concluding chapter of this dissertation.

⁶¹⁸Babylonian Talmud, *Shabbat* 105b; Assaf, 52.

fragments of the speeches of ancient *magidim*. The Early-Modern *magid* wove the *aggadic* material into a contemporary sermon or popular lecture, tailoring the message to his audience, but always containing a *mussar haskel*, a moral. The one outstanding feature of the *magid* was that he made sure never to speak above the heads of his audience, for then he would find himself out of a job.⁶¹⁹

This most certainly was *not* the case with the communal rabbi. If anything, he was expected to do just that, to speak above his audience, or above most of it. The content of the communal rabbi's lectures was composed of three elements: halakha, pilpulistically explained; *Agadah*, often pilpulistically presented; and *mussar*. No self-respecting communal rabbi would rise to speak without displaying his pilpulistic prowess. Indeed, the very dignity of his office was understood to require this, for in the rabbinic culture, the culture of the elite to which the entire community formally subscribed, a dazzling display of intellectual brilliance in a discourse on the Torah was a reflection of the brilliance and glory of the Torah itself. To the rabbinic aesthetic, nothing, literally nothing, was more beautiful than a profound pilpulistic exposition of a Talmudic subject. The deeper and more complex the exposition, the more the public was exposed to one layer after another of the limitless depth of the Torah, given as it was by a limitless deity. Accordingly, a rabbinic, as opposed to a magidic, sermon was not worthy of the name if it did not contain the most complex pilpul, the more complex the better.

Of course, the speaker lost much if not most of his audience from the very first moment, but that merely reflected the self-understood and much-admired gap between the knowledge of

⁶¹⁹ Saperstein, *Jewish Preaching*, 26-62; idem., *Your Voice Like a Ram's Horn* (Cincinnati, 1996), 11-22; Mendel Piekartz, *BiYmei Tzmihat ha-Hasidut*, 96-174.

the community and that of the man they hired precisely because he was superior to them.⁶²⁰ At best a relatively small group, the local scholars, could follow the communal rabbi's pilpul, and to be able to do so was considered quite a feat. On the other hand, the communal rabbi was under scrutiny, and woe to the rabbi if the learned members of the audience were able to catch him in an error or otherwise successfully challenge him. And challenge him they did, for it was expected that the rabbi should publish the sources upon which his speech was to be based long before he delivered it, precisely to enable the local scholars to familiarize themselves with them in order to be able to challenge him when he spoke.⁶²¹

This situation certainly obtained in the eighteenth century. The popular Prague preacher Zerah Eidlitz (1725-1780), whose sermons were well-attended by all segments of Prague Jewry, always commenced his addresses with a pilpul, fully aware that the unlearned in the audience would not understand him. He wittily defended his practice by citing *Ecclesiastes* 12:13, סוף דבר, הכל נשמע, which he interpreted to mean that the unlearned in the audience should endure the first, pilpulistic, part of his sermon even though they did not understand it; the second, homiletical, part (the סוף דבר) would be understood and by everyone, even the non-scholars! Nor were the non-scholars the only ones included in his opening strictures; even those who were Talmudic

⁶²⁰ Not that this prevented the audience from falling asleep during the incomprehensible pilpulim or leaving the synagogue to converse with fellow worshipers, as Ephraim Zalman Margoliot complained (note 604 above).

⁶²¹ A famous story that reflects this social reality is told about the famous nineteenth century Lithuanian rabbi, Israel Salanter, who came to a town to deliver a pilpulistic discourse. Several days before the lecture, he posted the sources upon which the discourse would be based. When he arrived to deliver the lecture, he was handed a list of sources which, to his horror, was different than the one he had posted. Some opponent or critic of his had switched lists, and everyone in the audience had reviewed the other list! Salanter, according to the story, stood there shocked for ten minutes as the audience waited, tension mounting. He then rallied and proceeded to shock his detractors by delivering a brilliant pilpul based upon the list of sources that had been substituted for his own. When the perpetrators confessed their "crime," the audience was

scholars but who were not pilpulists were bluntly told: "I would like to commence with a small Talmudic discussion [i.e., a pilpul]. Those who are able to follow will do so; those who are not able to follow will have to be satisfied with understanding the plain meaning of the Talmudic passages [which I intend to explicate pilpulistically]."⁶²²

A major element of the pilpulistic sermon was the boisterous reception it received in the synagogue. The pilpulistic sermonizer expected to be interrupted, challenged and verbally attacked in the course of his remarks. His pilpulistic assertions and suggestions were thrown out to the scholars in the audience with the full expectation that they would pounce upon every weakness in the argumentation, if they were able. It was the task of the sermonizer to see the thing through, to run the gauntlet of spirited criticism from the audience, and effectively refute the critics. If he was successful in doing so, his prestige and his personal satisfaction would be all the greater, and he could congratulate himself on having validated himself in a public trial of his scholarship.

Of course, for the scholars in the audience the sermon was a chance to display *their* prowess, and occasionally they were more successful in the attack than the sermonizer was in the defense. Indeed, the ability to participate in the give-and-take was a sign of one's intellectual standing, and earned the participant the admiration of the masses unable to take part in the proceedings. In the words of L. Loew (b. 1811), "Ihnen was es auch gegonnt und erlaubt, mit den

astonished, and Salanter's reputation soared. The story is related by Y. Y. Weinberg, *Seridei Eish* IV 227.

⁶²² וגם אני רוצה לומר קצת דבר קטן בדברי תורה. מי שיכול להבין יבין כולה, ומי שאינו יכול להבין יספיק בפשוטו. דברי הגמרא. Zerah Eidlitz, *Or la-Yesharim* (Prague, 1785). I cite the Jerusalem, 1999 edition, where these two citations appear on pp. 289-290.

pipulistisch predigenden Rabbinen in der Synagoge zu disputiren, und sich von Kundigen und Unkundigen bewundern zu lassen."⁶²³

Zerah Eidlitz went so far as to provide an intellectual defense of this gladiatorial style of preaching. In a sermon delivered in 1767 he acknowledged that many complained about this style of commencing with a pilpul instead of going straight to the ethical-homiletical part of his remarks. Eidlitz defended his practice on the grounds that the pilpul elicits scholarly criticism from the scholars in the audience. Such criticisms are, of course, responded to by the speaker, and a lively argument ensues. Such heated discussions crystallize the issues under discussion and promote a collegial atmosphere:

Although [the attending and competing scholars] hate each other at the beginning [of the discussions], by the end of the debates they love each other, [and in the improved atmosphere], all are in a mood to earnestly hearken to the ethical admonitions [of the preacher]...Therefore, before I begin to discuss ethics I shall engage in battle with the scholars [assembled in the audience]."⁶²⁴

The pilpulistic portions of the addresses, then, were not so much speeches as formal public displays of what was perceived as *kavod ha-Torah*, the glory and honor of the Torah itself. A Lithuanian connoisseur of such formal rabbinic "sermons" who lived in the nineteenth century but whose descriptions reflected a long-standing pre-modern reality perceptively noted:

Usually, rabbis would deliver sermons twice a year [on the two Sabbaths]. However, the "sermons" consisted of complex pilpulistic "hillukim" (לומדישע הלוקים) . Since the Sabbath before Passover falls out at the time when the Torah reading of the week is the part of Leviticus dealing with the regulations concerning sacrifices in the ancient Temple of Jerusalem, the sermon would include a pilpulistic analysis of the various arcane laws of

⁶²³Leopold Loew, *Gesammelte Schriften* (Szegedin, 1890), 220. Loewe was describing the situation in Prague and Moravia in the eighteenth century.

⁶²⁴

טרם אדבר דברי מוסר אתקוטט קצת עם הלומדים , from *Or L-Yesharim*, 351-355.

such offerings. In order to make the sermon "timely" and "relevant," the rabbi would take care to include in his pilpulistic exposition abstract theoretical problems pertaining to the laws of the Passover offering! The same was true of the sermon delivered before Yom Kippur... Of course, most of the audience could not follow the pilpul. Nevertheless, the shining patriarchal countenance of the rabbi and the [keen interest and] enthusiasm with which the scholars in the audience followed the rabbi's arguments profoundly implanted in the masses a respect for the Torah and those who studied it... more so than did [the speeches of] the moralistic preachers who spoke to the audience in a language they could easily follow.⁶²⁵

It is certainly true that there were those who strongly opposed these sermons as incomprehensible to the public and sheer displays of vanity. The famous eighteenth century hasidic author, Yaakov Yosef of Polonnoyeh, himself a noted magid and communal rabbi, castigated the communal rabbis for these failings.⁶²⁶ The caustic comments of Ephraim Zalman Margoliot of Brody, a preeminent Talmudist of the late eighteenth-early nineteenth centuries and a former student of Ezekiel Landau's, indicate that many in the audience would leave in the middle of the sermons because they could not follow the pilpul.⁶²⁷

Nevertheless, the criticisms do not seem to have widely held; they certainly did not affect the popularity of the pilpulistic sermon. As one modern scholar of the phenomenon, a decided opponent of pilpul in general, has grudgingly noted:

The pilpulistic part of the sermon necessarily developed at the expense of the other parts, the educative and the admonitory. One would therefore have thought that the broad public would turn its back on the pilpulistic preachers and demand that they reduce the pilpulistic part of the sermons. One would have expected the scholars in the audience to be unimpressed by the forced logic of the pilpuls, while the non-scholars would be bored by pilpuls they could not understand. The reality was just the opposite. The entire public, masses and scholars, enthusiastically followed the pilpulist preachers. Indeed, the more complex and extensive their pilpuls, the

⁶²⁵Mark, *Gedolim fun Unzer Tzeit*, 252.

⁶²⁶Yaakov Yosef of Polonnoyeh *Ben Porat Yosef* (Korecz, 1781), *Vayehi*. See the discussion in Samuel H. Dresner, *The Tzadik: The Doctrine of the Tzadik According to the Writings of Rabbi Yaakov Yosef of Pollnoyeh* (London and New York, 1960), 222-227, 304-305.

⁶²⁷See note 615 above.

greater was the enthusiasm. Synagogues were packed to hear mediocre preachers deliver mediocre pilpuls.⁶²⁸

The aesthetic quality of these pilpulim to the initiated cannot be overemphasized. To a person educated in a yeshiva, a "good pilpul" was a pleasurable experience. Jacob Katz, himself a graduate of Hungarian yeshivot, described the relish with which the audience responded to an able pilpulistic exposition:

At the height of the development of homiletics in the seventeenth and eighteenth centuries, outstanding preachers achieved amazing artistry in the construction of their sermons. An opening theme would serve as a central thread joining all sections of the talk. Sometimes that theme would disappear as the preacher went off on quite tangential matters, but suddenly it would reappear and give the audience a satisfying sense of coherence. Finally, the preacher would conclude by returning to his point of departure and offering a solution to the original problem that he had deliberately left open. The listeners who had followed these mental gymnastics derived aesthetic pleasure from the tension and its release.⁶²⁹

Indeed, listening to a well-delivered pilpul was such fun that "moralists questioned the legitimacy of this method of preaching, arguing that it...made an entertainer of the preacher, whose real task was the moral guidance of his congregation."⁶³⁰

Such was the preaching environment and context of Ezekiel Landau's sermons. His success in composing and delivering such sermons may be gauged by Katz's observation that "the sermons of R. Ezekiel Landau and R. Jonathan Eibenschutz provide good examples of perfected structure."⁶³¹

⁶²⁸Dov Rapel, *Ha-Vikuah al ha-Pilpul*, 41.

⁶²⁹ *Tradition and Crisis*, 147.

⁶³⁰ Ibid., 147. For examples of such criticism, see Rapel, *Ha-Vikuah al ha-Pilpul*, 41-2.

⁶³¹ *Tradition and Crisis*, 324. This appreciation for pilpul did not die with the eighteenth century. When in 1836, the Jewish community of Pest in Hungary hired its first modern, university-educated rabbi, Loew Schwab, a polished speaker in German and Hungarian, the attitude toward the pilpulistic sermon was a defining difference between the two factions of the community. The non-orthodox element in the community informed the new rabbi that they looked forward to modern, polished, sermons. The orthodox faction (modern orthodox, actually)

The pilpulistic style became so popular that it spread into the non-halakhic part of the address. The admonitory portion of the sermon was plain and direct, but often the rabbi would discuss an *agadah*, a story from the Talmud or Midrash, and analyze it pilpulistically. One favorite strategy was to explain a story from the Bible in such a manner as to have the Biblical characters consciously act according to specific Talmudic principles. Thus, for example, Cain and Abel came to blows because Cain followed the halakhic ruling of the famous medieval rabbi, Alfasi (1001-1090), concerning inheritance laws (obviously, they were disagreeing about who should inherit Adam and Eve!), while Abel subscribed to the ruling of another authority, Asheri (1250-1307)! Pharaoh and Moses disagreed over a different matter, the Egyptian monarch holding like Alfasi, the Hebrew leader following the ruling of the Provencal halakhist, Abraham ben David of Posquieres (1125-1198). Of course, both preacher and audience realized that these interpretations were not to be taken too literally. Nevertheless, to the student of classical rabbinic literature, especially to the adept, the ingenious connections of the Biblical stories with the familiar concepts of the Talmud and its commentaries were highly appealing. Another popular strategy was to compare contrasting Aggadic statements in the form of thesis and antithesis, and to discover some new synthesis.⁶³²

in the community curtly informed the new rabbi that they were interested in something different: "As to the *drasha* you will preach in the old synagogue, we neither request nor desire to hear it in German. Rather, begin by expounding on a topic of *halakha be-pilpul*, by resolving some problem, and afterwards go on to deliver a moral exhortation." For this episode, see Michael Silber, "The Historical Experience of German Jewry and Its Impact on the Haskalah and Reform in Hungary," in *Toward Modernity: The European Jewish Model*, Jacob Katz (ed.) (New York, 1987), 124. During the same decade, Samson Raphael Hirsch, the nineteenth-century ideologist of Jewish "neo-orthodoxy," was criticized by orthodox Jews in Germany when he criticized *pilpul* in his writings, see Isaac Heinemann, "Samson Raphael Hirsch: The Formative Years of the leader of Modern Orthodoxy," *Historia Judaica* XIII (1951), 44.

⁶³² Hayim Azulai (*HIDA*), *Shem Ha-Gedolim* (Jerusalem, 1992), 242-3, s.v. *Drashot ha-Ran*; "Ha-Pilpul be-Sifrut Yisrael," by "Tosefai" (M. Reines) in *Hashiloah* 19 (1908), 143; Assaf, *Mekorot* I, 131-2; and Rapel, 41-55, who discusses this literary phenomenon in detail.

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Some of the most famous rabbis of the eighteenth century indulged in pilpulistic expositions of *agadah*. Again, while not everyone could follow the train of thought, enough could to earn the rabbis great popularity and renown. Indeed, the two outstanding examples of

Interestingly, most of the books of this genre were published in Zolkiev and other presses in eastern Galicia, the very environment where Ezekiel Landau studied and preached.

⁶³³ Hayim Azulai (*HIDA*), *Shem Ha-Gedolim* (Jerusalem, 1992), 242-3, s.v. *Drashot ha-Ran*; "Ha-Pilpul be-Sifrut Yisrael," by "Tosefai" (M. Reines) in *Hashiloah* 19 (1908), 143; Assaf, *Mekorot* I, 131-2; and Rapel, 41-55, who discusses this literary phenomenon in detail.

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this literary genre were composed in the eighteenth century: the *Parashat Derakhim* by the Sephardi Judah Rosanes (1657-1727) of Constantinople, and the *Yaarot Dvash* by Jonathan Eibeschutz of Prague and Metz (1690-1764). Rosanes' work in particular excited admiration as an example of ingenious combinations of the Biblical and the pilpulistic, with the pilpulistic part based upon sound, as opposed to far-fetched, reasoning. Rosanes' final result always reflected *aggadic pilpul*, no matter how logical and organized the pilpulistic sections were in the end, Moses' actions turn out to be governed by his adherence to the halakhic views of, say, Maimonides, while Pharaoh follows the opposing view of Joseph Caro. As we shall see, Ezekiel Landau modeled himself on the Sephardi and composed a somewhat similar work of his own in Yampol, though significantly, Landau's work included the logical pilpul but omitted the aggadic component. Neither Moses nor Pharaoh nor King David or anyone else appears in Ezekiel's sober work. As Gutmann Klemperer notes, "Rabbi Landau had little liking for the so-called *pshetl*, which was so popular with the preachers of his time, who used it to play with the text of the Bible or of the Agadah."⁶³⁴

To summarize, although most rabbis were not public speakers, some were, and skill in preaching was considered an asset by a community looking for a rabbi. The relative rarity of a person who was a top-flight halakhist and also an able orator made such a person a most desirable candidate, even though the value of one's public speaking skills was decidedly secondary to his abilities as a halakhist and as a Talmudist.

⁶³⁴ *Yaarot Dvash* has been cited and studied by social historians including Jacob Katz, Azriel Shohat, Arthur Hertzberg, and most recently, Claud Heyman. These scholars have concentrated on the *mussar* or social criticism sections of the *drashot*, which reveal a decline in the traditional religiosity of German Jewry in the mid-eighteenth century. Israel Bettan and Harry Rabinowitz have studied *Yaarot Dvash* as sermons, concentrating on the homilies see Israel Bettan, *Studies in Jewish Preaching* (Cincinnati, 1939); Harry Rabinowitz, *Deyoknaot shel Darshanim* [Portraits of

Ezekiel Landau was one of those rare rabbis. As we have seen, he was developing a reputation as a halakhist to whom difficult questions of law and life were submitted while he was in his early thirties. In addition, he maintained a yeshiva for intermediate and advanced students, as we have seen, so he was developing a reputation as a teacher and pilpulist, even if the yeshiva was small, as it probably was. And as communal rabbi of Yampol, Landau began to display his prowess as a rabbinical (as opposed to *magidic*) preacher.

Landau brought two important natural assets to the pulpit. First of all, he had an imposing physical presence. Well over six feet and of large build, Landau, clothed in the ermine robe and white sable hat that was the official garb of the communal rabbi, must have had made quite an impression.⁶³⁵ Second, he possessed a good speaking voice which he knew how to modulate. A

Jewish Preachers] (Jerusalem, 1967). No one has devoted a study to the pilpul of the book, which is the bulk of the work. For Gutmann Klemperer, see the following note.

⁶³⁵In their biographies of Ezekiel Landau, both Yakobka Landau and Elazar Fleckeles, Ezekiel's son and disciple/successor respectively, mention that Ezekiel Landau was very tall ("a head taller than anyone else," see *I Samuel* 10:23) and very handsome. Such reference to good looks is an extremely unusual phenomenon in rabbinic literature and biography, where physical appearance is very much underemphasized and ignored. See Yakobka's description in *Divrei Yedidut* and Fleckeles' eulogy of Landau in *Olat Hodesh* (Prague, 1793) 84b-95b, particularly the references to Ezekiel's physical stature (נפלאה בקומה ובמראה, "marvelously handsome and tall,") on 88b, and his good looks at the time of his death at seventy-nine, on 91a ("He looked like a twenty-year-old"). These remarks are, as far as I am aware, unique in rabbinical eulogies.

Ezekiel Landau's large body was the subject of an unusual discussion in halakhic literature. In discussing the volume of a *revi'it*, a certain liquid measure, the Talmud (*Pesahim* 109a) states that it is the combined volume of the width of two thumbs by the width of two thumbs, and its height is the width of 2.7 thumbs (2x2x2.7). The classic commentator Rashbam (Samuel ben Meir, grandson of Rashi) says that this volume is equal to the volume of an egg and-a-half. In *Zlah* (*Pesahim* 116b), Ezekiel Landau writes that he performed the two measurements and discovered to his surprise that they were not equal at all. The thumb measurement equaled three eggs, twice the amount recorded by Rashbam! Since it was axiomatic that Rashbam was not mistaken (he must have performed the measurement!), Ezekiel Landau concluded the eggs of the eighteenth century were double the size of the eggs of the talmudic era. Elazar Fleckeles challenged his teacher's conclusion. "The great *gaon* (Ezekiel Landau) used his own thumbs in the experiment. He was by far the tallest person in his generation, and his thumb was easily twice the size of a normal person's, as anyone who knew him personally can attest. When I pointed this out to him, he laughed and nodded his head." See the third volume of

discerning near-contemporary remarks: "[Although] eloquence in the pulpit was not his strong point, nevertheless, his sermons were popular because of his unequalled rhetoric, the clear sound of his voice, and a specific elegiac emphasis that charmed his audience and moved it to tears."⁶³⁶ In his eulogy for Landau, Rabbi Elazar Fleckeles of Prague painted a picture of the master addressing the synagogue at the most solemn hour of the year, *Kol Nidrei*, the prayer that signals the onset of Yom Kippur. "When he would preach he could move to repentance the entire crowd standing packed inside the synagogue, tears streaming down their faces. What a sight!"⁶³⁷

Neither Ezekiel Landau's prowess as a speaker nor the content and style of his sermons have received much scholarly attention despite the fact that Jacob Katz observed that "the sermons of R. Ezekiel Landau and R. Jonathan Eibeschutz provide good examples of perfected structure."⁶³⁸ In their studies of famous preachers neither Israel Bettan nor Harry Rabinowitz include Ezekiel Landau among the great *darshanim*, rabbinic orators. On the other hand, Simon Glicksberg and Marc Saperstein do. The latter notes: "Contemporaries praised not only the content of Landau's sermons but the manner of his delivery."⁶³⁹

Fleckeles' responsa collection, *Teshuvah Me-Ahavah* (Prague, 1820), 68a-b. Just what was the meaning of that enigmatic nod and laugh? Was it an acknowledgement of the cogency of Fleckeles' objection, or not? This question gave rise to some discussion in the halakhic literature, see Avraham Hayim Naeh, *Shiurei Torah*, (Jerusalem, 1947) 28-32, and *Otzar Mefarshei ha-Talmud - Pesahim IV* (Jerusalem, 1994) 459-464.

⁶³⁶This quotation is from Gutmann Klemperer (1813-1882). A native and long-time resident of Prague, Klemperer was a moderate reform rabbi in Bohemia and a historian of Bohemian Jewry. Born twenty years after Ezekiel Landau's death, Klemperer, whose father and uncles had been students of Landau, recorded many fairly recent memories of Landau's contemporaries, positive and negative, and his account is therefore among the most vivid descriptions of the man. Klemperer's remarks were translated from German to English and published in *Historica Judaica* 13 (1951). The quotation is from pp. 57-58.

⁶³⁷Elazar Fleckeles, *Olat Hodesh Shlishi*, 92b.

⁶³⁸*Tradition and Crisis*, 324.

⁶³⁹Marc Saperstein, *Jewish Preaching*, 360.

As rabbi of Yampol, Ezekiel Landau regularly delivered the two sermons before Passover and Yom Kippur, as indeed he continued to do later as rabbi of Prague. He, too, viewed these public appearances as occasions, not only for homilies and admonitions, but also for displaying his pilpulistic prowess. A great deal of effort went into the preparation of these sermons. The goal, from his point of view, was to discover and report *hiddushim*, new insights into the Talmud and its commentaries. Such *hiddushim* were judged qualitatively. If the *hiddush* seemed sound, not forced, if it was judged to be an accurate reflection of what the sources indicate, if they were important insights with significant implications for halakha, the discoverer would earn the esteem of his colleagues and fellow scholars. The glory of the Torah itself would be enhanced. Ezekiel Landau thought highly enough of these sermons to publish them, and over the decade in Yampol, he added each sermon to his projected published collection. These were, in his judgment, sound *hiddushim*, worthy of use in Talmudic study in the yeshivot and even in halakhic decision-making. Although he never did actually publish them (his son Samuel, did, in 1827), he intended to do so, and even chose a name for the work, *Doresh le-Tziyon*, which can mean "He who inquires concerning the welfare of Zion" or "He who Preaches in a Distinguished Manner."⁶⁴⁰ The manuscript was bound together and preserved by him and he continued to use

⁶⁴⁰ The title is a play on *Jeremiah 30:17*, *She is Zion, there is none that cares for her*. In Hebrew, the verb *doresh* means care or seek or inquire. A famous talmudic comment (TB *Rosh Hashanah* 30a) on this verse goes, "*There is none that cares for her* - This implies that there needs to be one who does care." Now in rabbinic idiom, *doresh* means to preach or expound. Accordingly, the talmudic comment reads: "*There is none who preaches or expounds concerning her* - This implies that there needs to be one who does preach or expound." Thus, *Doresh le-Tziyon* means, "He who expounds concerning Zion." The very title of the book is an indirect allusion immediately grasped by the talmudic adept. As for the *Tziyon* (צִיּוֹן) the numerical value of the Hebrew word is equal to that of Ezekiel (יְחִזְקֵאל), each word being equal to the number 156. Rabbinical literature abounds with such allusive titles, calculated to appeal to the aesthetic sensibilities of the community of Talmudists.

the material before audiences in Prague who had never heard them before.⁶⁴¹ Moreover, Landau made reference to this work a number of times in his responsa, some of which he did collect and publish during his lifetime.⁶⁴²

Ezekiel's son Samuel was the one who actually published this collection of sermons. He did so in 1827, thirty-four years after Ezekiel's death. In his introduction to the work, Samuel explained that Ezekiel modeled his work on Judah Rosanes' *Parashat Derakhim*. The *Doresh le-Tziyon*, however, is no replica of the *Parashat Derakhim*. Rosanes undertook to explain Biblical and Aggadic statements on halakhic grounds. In the sermons of *Doresh le-Tziyon*, Ezekiel Landau adopted a different literary strategy, or principle of organization, if one can call it that. Each sermon except the first begins with a non-Aggadic text from the Talmud. Each text involves not one statement, but a series of statements, which seem to be just that, a series of statements by some Talmudic rabbi. However, as any good pilpulist knows, there is nothing in the Talmud that is "just that." If there is a series of statements, they must be connected to each other, they must follow in some logical order. Ezekiel Landau undertakes to demonstrate how each statement is connected and that there is a logical sequence in the arrangement of the statements. "It is my style to pay attention to the order and sequence of the statements."⁶⁴³ Let us look at one respectably arcane example. A Mishna in *Eduyot*, a tractate that lists various "testimonies" stated by rabbis concerning fine points of ritual law that had until then been the

⁶⁴¹ See below, where internal analysis of the dates of the *drashot* and the books cited therein reveals that they were delivered originally in Yampol and subsequently in Prague.

⁶⁴² There is one reference to the *Doresh le-Tziyon* in the first volume of the *Noda BiYhudah*, which Landau published in 1776, see *Hoshen Mishpat* 40. There are nine references to the *Doresh le-Tziyon* in the second volume of the *Noda BiYhudah*, which was published posthumously in 1810-11. They are: *Orah Hayim* 136; *Yoreh Deah* 9, 54, 55, 124; *Even Ha-Ezer* 70, 129, 141; *Hoshen Mishpat* 7.

⁶⁴³ דרכנו לתת לב על חבור הדברים, ולדרוש סמוכים.
Doresh le-Tziyon, beginning of the tenth *drasha*.

subject of contention, states: *Yosef ben Yoezer testified that [the grasshopper called] "eil kamtza" was ritually pure, that the beverages of the Temple butchering place are pure, and that whoever touches a corpse becomes ritually impure. They called him "Yosef the Permitter."*⁶⁴⁴ At face value this Mishna records three discrete statements concerning ritual purity. The three do not appear to be connected or in logical sequence. Landau undertakes to demonstrate that they are formulated for a reason and that the very formulation and sequence reveals many aspects of the halakha that escape the eye of the superficial reader satisfied with a plain reading.⁶⁴⁵

⁶⁴⁴ *Eduyot* 8:4. See the article on the content and literary character of *Eduyot* in Encyclopedia Judaica 6:466-7.

⁶⁴⁵ Explicating sequence and association are favorite tactics of Ezekiel Landau in his other pilpulistic work, *Zlah*. For example, in *Bava Metzia* 27a, the Talmud discusses whether or not a court may rely upon *simanim*, physical signs or marks, as evidence. A law is cited to the effect that a court may not rely upon one's clothes as evidence, as for example, in a case where a disfigured corpse was found and the only identifiable objects are the clothes. This would seem to indicate that *simanim* are not acceptable as evidence. The Gemara (Talmud) then rejects this as a proof that all *simanim* are unacceptable. Clothes are particularly unreliable because they may have been borrowed by the person before he died from someone else. Alternatively, the law disallowing clothes as evidence, the Gemara suggests, may be referring to a case where the witnesses who saw the corpse were able to identify the clothes by their color, which is considered rather weak testimony. The Gemara's point is that it is not logical to extrapolate from the fact that such evidence is inadmissible a generalized law that no *simanim* may ever be admissible. Now, there is a parallel passage elsewhere in the Talmud, in *Yevamot* 120b (parallel passages are a common feature of the Talmud). There, the same two distinctions are drawn between the inadmissible testimony concerning the clothes of the corpse on the one hand and a general disallowance of all *simanim* on the other. However, in *Yevamot*, the two distinctions are given in reverse order, that is, first the Gemara explains that the case of the clothes refers to a case where the witnesses testified to the color of the clothes, and then, as an alternative distinction, the Gemara explains that clothes are inadmissible because they may have been borrowed. Now, there seems to be no difference between the passage in *Bava Metzia* and that in *Yevamot*. They are typical parallel passages. However, there is the matter of the reverse order of the distinctions. Even though there seems to be no difference of substance, Ezekiel Landau is bothered by this and devotes a discussion to the significance of the change in order, implying, of course, that there are logical reasons for the editor of the Talmud to order the distinctions differently in the two passages. Interestingly, Landau notes that one eminent and respected commentator, Avraham Hayim Shor (d. 1632), noticed the reversal of order and believed that it was either a printing error or of no special significance. Landau rejected this approach, declaring, "If we adopt this approach (and simply emend the text) every time we encounter some difficulty

The *drasha*, however, does not confine itself to issues of connectedness and sequence. In the course of his remarks, Landau discusses, with erudition and with evident talent for noticing subtle connections and contradictions, each of the Mishnahs three discrete statements, its place in the Talmudic and then the halakhic literature, raises questions and answers them, and in general, gives an exhaustive analysis of each statement. In other words, the heart of the *drasha* is the individual analysis of each of the three statements. The explanations of the connections and logical sequence of the three statements are in the way of an elegant literary flourish, the "icing on the cake."

This point is emphasized by Samuel Landau in his introduction to the *Doresh le-Tziyon*. This introduction happens to be one of the most important sources for defining some of the concepts of pilpul, especially the concepts of *drasha* and *hilluk*. It is profoundly important for us because there can be no doubt that Samuel was expressing the views of his late father and teacher, Ezekiel Landau, although it is doubtful that Ezekiel would have actually articulated them. Samuel was a kind of *maskil*, a member of the Prague Jewish Enlightenment which was interested in considerations of literary aesthetics in a manner that pre-Enlightenment rabbis like Ezekiel would have considered of distinctly secondary importance and not worthy of extended

in the Talmud, we will undermine the entire foundation of talmudic law [based, as so much of it is, in the explanations and reconciliations of contradictions and other textual difficulties]. The result will be a new Torah!" (כי אם נגיה) (ואין זה דרכנו, כי אם נגיה) (התלמוד מחמת קושיא נסתר כל יסודי דיני התלמוד ותצא תורה חדשה). There is probably no clearer statement of the world-view of a pilpulist, which takes for granted that every single word in the Talmud and its primary commentaries was thought out and deliberately put to paper in full awareness of all possible implications, both in terms of language and in terms of order and sequence. This statement, as well as the entire passage, is from *Tzlah le-Seder Nezikin ve-Likutim*, (Jerusalem, 1959) 53. See also the introduction to this work, a posthumously published collection of Ezekiel's *hiddushim*, by Samuel David Munk, which cites numerous other examples of this pilpulistic emphasis of Landau's on order, sequence, association, and the like.

reflection and discussion.⁶⁴⁶ Moreover, Samuel wrote the introduction in 1827, at a time when pilpul was already under attack by *maskilim* precisely on the grounds that it was aesthetically as well as logically repulsive. Indeed, Samuel speaks at great length about aesthetics, how external beauty profoundly enhances the good and the valuable. Did not God Himself, Samuel notes, command that the mitzvot be performed in as aesthetically pleasing a manner as possible, that the ritual objects of Judaism, such as the sukkah or the shofar, should be the most beautiful one can afford? Consider the baker who bakes two loaves of bread, each with the same ingredients. One loaf is shaped into an attractive design; the other is not. Can there be any doubt as to which one the customer will choose?

So it is with intellectual matters. Good content is immeasurably enhanced by attractiveness of style and presentation. A good writer uses attractive form to draw in his reader in the same manner as a storekeeper uses attractive merchandising to draw in his customers.

So it is with the teaching of Torah and Talmud. The Talmudic sages and their successors employed parables and stories to attract the interest of their readers and to hammer home moral and philosophical truths. That is the *Agadah*. The very form of the *Agadah* is a kind of merchandising or packaging of profound abstract concepts.⁶⁴⁷

⁶⁴⁶For Samuel's role in the Prague Haskalah, see Ruth Kestenberg-Gladstein, *Neuere Geschichte der Juden in den boehmischen Laendern*, 87, 334.

⁶⁴⁷This is an old idea, much favored by medieval rational commentators on the *Agadah* who were bothered by the bizarre content of the many individual *agadot*. Indeed, Samuel approvingly quotes the most famous of these medieval rationalists, Maimonides, who explained that the Talmudic rabbis framed philosophical ideas in particularly vivid imaginary form in an effort to capture the attention and imagination of their students, see Maimonides *Introduction to the Mishna*, translated by Fred Rosner (New York, 1975), 111-125. For a full discussion of this medieval preoccupation with explaining strange *agadot*, see Marc Saperstein, *Decoding the Rabbis* (Cambridge, 1980), 1-20.

So it is, Samuel concludes, with the non-*aggadic* parts of the Torah. The *gedolim*, the great rabbis down the ages, master educators that they were, realized that a straightforward study of the laws and concepts of the Talmud would be rather dry. They therefore sought to enliven the study of the Talmud and its commentaries, to capture the imagination of the students, by organizing the information, the readings, and the analyses of the Talmudic passages around pointed questions and ingenious answers, whole series of them. These questions and answers served as mnemonics, helping the student to remember the material by virtue of their sequence and even more by their remarkable ingenuity, which was calculated to make such an impression upon the mind of the student trained to appreciate such ingenuity that he would not forget them. In this fashion, the pilpul "spiced up" the material and made it palatable and even tasty to the student; it left him wanting more. Pilpul made the study of the Talmud exciting. Therein, concludes Samuel, lies its great value and continuing popularity.

The great teachers, then, according to Samuel, were artists in terms of their presentation of the material. They knew how to weave the content of the Talmud into a series of questions and answers in which the resolution of one problem naturally led to the raising of a second problem elsewhere, concerning an entirely unrelated subject in an entirely different context. The resolution of a problem in one tractate led to a problem in a different tractate; the resolution of a problem in one statement of Rashi provoked a problem in understanding something Rashi stated elsewhere, in a different context which seemed unconnected to the discussion at hand. And so on, throughout the whole of the voluminous rabbinic literature. Even though the teacher who was teaching one tractate had no reason to carry his students to consider a problem in an unrelated tractate, he would not satisfy himself with merely explaining the tractate at hand. Rather, he would deliberately lead his students all over the Talmud in a tour de force. The point was

precisely to demonstrate that the other sources, which, given their different location (e.g., another tractate) and different context, seemed to be unconnected to the discussion at hand, were in reality quite relevant. That is, the other sources contained concepts and ideas, explicit or implicit, which were relevant to the discussion at hand. Such performances, Samuel tells us, were called by the technical term *drashot*, which is a term that has many meanings in rabbinic Hebrew. As we have seen, sermons are also called *drashot*. However, it is the pilpulistic presentation that Samuel Landau has in mind here.⁶⁴⁸

It is thus the artistry of the pilpulim that attracted the students. "The young men of the yeshiva delight in the architecture and logical sequence of well-constructed pilpulim."⁶⁴⁹ But the artistry is merely the adornment, the beautiful wrapping, of the points themselves. The halakhic conclusions, the insights into the meaning of the sources, are true on their own; they are independent of pilpul. Rather, the pilpul is just a nice way of presenting those conclusions and insights. If they are untrue, they represent a perversion of the pilpulistic system.

This is an absolutely crucial point. What Samuel is saying is that the results of the lecture, the halakhic conclusions, can be arrived at by a straightforward, non-pilpulistic study and analysis of the sources. The pilpulim are merely teaching strategies. They are not really the

⁶⁴⁸ Samuel also discusses another form of pilpul, also consisting of questions and answers which lead to new questions, etc. However, in this form of pilpul, the questions and answers are confined to the specific subject of the lecture. For example, if the teacher discussed the regulations concerning witnesses, the questions-answers-questions would be confined to talmudic and rabbinic sources which deal with witnesses. By contrast, in a *drasha*, a question-answer about witnesses could lead to a question from the laws of the Sabbath, which seem to have nothing to do with witnesses (although the point of the pilpul would be to show that aspects of the Sabbath laws *are* relevant and even crucial to a proper understanding of the laws of witnesses), and an answer from the laws of divorce, etc. Samuel refers to this other type of pilpul as a *hilluk*. See our discussion of the meaning of this term in chapter 2 above. See also the illuminating comments of Hayim Z. Dimitrovsky in "Al Derekh Ha-Pilpul, 117-119 and 180-181.

sources for the conclusions. The same results could be taught by the teacher in a straightforward manner, but they would not be so interesting. According to Samuel, the classic old objections to pilpul arose when some teachers taught incorrect, unsound, and false conclusions and insights in the course of their pilpulim. In Samuel's expression, such teachers "confused the essential and the inessential,"⁶⁵⁰ that is, instead of using the pilpul as a teaching tool to teach sound learning, always controlling the pilpul to make it conform to correct, well-tested hypotheses and conclusions, they lost control and allowed the pilpulistic reasoning process to be the actual generator of the conclusions and insights. This was dangerous because uncontrolled, the question-answer-question process can lead to false conclusions which could not stand up to truly rigorous analysis.

Ezekiel Landau's pilpulim, Samuel proudly boasts, are of the former, sound, variety. "In all the pilpulim with which he used to regale the students, each hypothesis and conclusion is sound and can stand on its own without pilpul. A straightforward penetrating study of each issue would yield the same results. The pilpulim, with their unusual associations were merely the garment, the shell, the handle, which enabled the student to grasp the matter."⁶⁵¹ Samuel compares the pilpulim to a ring or a brooch with a setting of diamonds. The diamonds are diamonds with or without the setting, but the setting is what turns it from a mere collection of diamonds into a work of art.⁶⁵²

649 מדת הבחורים בני הישיבה להמשך ולבניןשכליי בפלפולים נאים.

650 כמה לומדים אחזו את הטפל לעיקר.

651 אף בחילוקים וחקירות שהם לחידוד התלמידים, כל חלק וחלק בפני עצמו ראוי להעלות על שלחן ה' על דרך לימוד האמיתי, וחיבור הדברים שהוא בדרך פלפול הוא רק כמלבוש ויד ואזנים לכלי לאחזו בו.

652 See the similar comments of Maimonides concerning the *agadah* in his introduction to the *Guide to the Perplexed*. Maimonides quotes *Proverbs* 25:11: "A word fitly spoken is like golden apples in vessels of silver."

The *piece de resistance* of the collection was the last, thirteenth, *drasha*. Actually, it was a set of *drashot*, of remarkable pilpulistic breadth, and it was clearly calculated to dazzle. The Babylonian Talmud contains thousands of disputes between various rabbis. Early on, halakhists such as judges needed to have some way of deciding which opinions were accepted as normative. Already in the late Talmudic and Saboraic-Geonic periods, a number of rules of whose opinion to follow gained acceptance in the halakhic world.⁶⁵³ One of the more important and famous of these rules concerned the very numerous disagreements between the two third-century Babylonian *Amora'im* Abaye and Rava, whose disputes appear on almost every page of the Talmud. Already in Talmudic times the practice was adopted that Rava's opinion prevailed over that of Abaye in terms of practical law. This rule contained six exceptions, six disputes where the law followed the opinion of Abaye. The Talmud refers to these six rules by a Hebrew mnemonic, *ya'al kegām*, יעל קג"ם. Each of the six letters of this mnemonic is the first letter of the case where the law is decided in favor of Abaye's view. The Talmud, however, makes explicit reference to this rule only four times, leaving the other two cases a matter of conjecture and therefore of dispute between commentators, notably between Rashi and the Tosafists.⁶⁵⁴ The six cases are unrelated; at least they certainly seem to be unrelated. The point of the mnemonic is just that: to provide a way of remembering six unrelated cases. However, Ezekiel Landau cannot accept that the six cases are nothing but that. Pilpulistically, he begins by asking about their order. According to Rashi, the two cases not explicitly mentioned in the Talmudic text are cases from the tractates *Eruvin* and *Gittin*. If this is so, the mnemonic is out of order, for those tractates

⁶⁵³ A number of these rules appear in the Babylonian Talmud itself. These and others were first gathered in a collection in the early Geonic work, *Seder Tanna'im v-Amora'im*, which dates from the eighth century, see Jacob Ephraïm, *Tekufat ha-Sabora'im ve-Sifrutah* [The Saboraic Period and its Literature in Babylonia and the Land of Israel (500-689)] (Petah Tikvah, 1973), 14-32.

precede the tractates in which the other four cases are found. Why would someone compose a mnemonic out of order?

This, of course, is just the beginning. Landau proceeds to examine each of the six cases and to discover their conceptual connectedness and sequence, in the process subjecting each of the cases to a pilpulistic analysis of its own issues. Such a wide-ranging exposition was far too lengthy for one sermon. Landau delivered the first part of the *drasha* on the Sabbath preceding Yom Kippur of 1751 and continued it on the two Sabbaths of 1752 and the two of 1753, the whole exposition constituting a pilpulistic tour de force. Such an effort cannot have been meant simply for the edification of the audiences, who would be lost if they had not been at the preceding addresses. They clearly were meant to be published, as indeed Landau admits in his introduction. In general, this sustained three year long *drasha* may be viewed as a model of the pilpulistic *drasha*, and it must have gained him quite a reputation.

Samuel Landau's laudatory evaluation of the *Doresh le-Tziyon* is seconded by the foremost modern academic scholar of pilpul, Hayim Zalman Dimitrovsky, who concludes his magisterial article on pilpul with the observation that "in the entire pilpulistic literature, Ezekiel Landau was undoubtedly the last and the greatest [of the pilpulistic authors]."⁶⁵⁵

Does this mean that Ezekiel Landau was already in his thirties an unparalleled genius, able to outdo all his contemporaries? Not necessarily. What Samuel Landau does not reveal is that the *Doresh le-Tziyon* represents the fruits of many decades of editing and rewriting, not merely the first efforts of a thirtysomething rabbi in a small town. An analysis of the *Doresh le-Tziyon* reveals that Ezekiel Landau reworked the material over the years. The dates of each

⁶⁵⁴The four references to the rule are: *Kiddushin* 52a, *Bava Kamma* 73a, *Bava Metzia* 22a, and *Sanhedrin* 27a. The dispute between Rashi and the Tosafists is found on *Kiddushin* 52a.

⁶⁵⁵ "Al Derekh Ha-Pilpul," 181.

drasha given in the book do not mean that the entire *drasha* was delivered on that date. On the contrary, it seems that Ezekiel Landau delivered these addresses on later occasions as well, undoubtedly in Prague, where he faced a larger and more learned and critical audience, and there can be no doubt that the criticism he received from these pilpulistically sophisticated audiences spurred him to refine the pilpulim over the years. This is evident from the fact that in some of the *drashot* Ezekiel refers to books that were not published at the time of the date given at the beginning of the *drasha*. For example, in the fifth *drasha*, whose date is given as 1747, there is a reference to a famous work, *Sha'agat Aryeh*, which was not published until 1756. The ninth *Drasha*, dated 1749, refers to another seminal work, *Penei Yehoshua*, which was not published until 1752.⁶⁵⁶ The *Doresh le-Tziyon* thus represents the fruits of many decades of editing and probably rewriting. In Samuel Landau's opinion, it is the finest work his father ever wrote.⁶⁵⁷

The other parts of the sermons, especially the parts that most interest the social historian, were edited out by Samuel. Nor was this exceptional. As Marc Saperstein has noted, "material included in the oral sermon was often eliminated from the written text. For example, topical references to specific events, issues, or problems that affected a particular congregation would no longer be relevant or even comprehensible to future readers in a different place."⁶⁵⁸

⁶⁵⁶ *Doresh le-Tziyon* (Jerusalem 1995), 56, 101.

⁶⁵⁷ In *Mei Be'er*, (Prague), 17, quoted in Kamelhar, 10.

⁶⁵⁸ Saperstein, in fact, quotes Samuel Landau's introduction:

Not everything that is said is worthy of being written down and fixed in a book. There is a proper time for everything, a need for each occasion, and not all times are the same...Not every sermon is relevant to all generations...Whoever preaches to a congregation must arrange his message and fit his words to the taste of the listeners...It may be that words of *mussar* calculated to appeal to one generation may be regarded with distaste by another. It is therefore absolutely necessary to be selective, to add, omit, or change the order of things so that the message will be accepted [by the readers].

The actual sermons delivered in Yampol obviously contained purely "sermonic" material, such as the homiletical interpretation of Biblical and Talmudic statements as well as relevant social-halakhic criticism. The forty-five sermons published in 1899 called *Derushei Ha-Zlah*, edited from sermons delivered by Landau in Prague, are replete with such material. As a *rosh yeshiva*, Ezekiel Landau encountered *Aggadic* passages in the Babylonian Talmud on at least a weekly basis, and the *Zlah* is full of his *hiddushim*, his original insights into the meaning of these passages. Many of them betray a bent towards the rational, homiletical interpretation of seemingly strange and bizarre aggadic statements.⁶⁵⁹ Others are quite mystical.⁶⁶⁰ But they were not of real interest to the target audience of the *Doresh le-Tziyon*, the world of Talmudic scholars, the connoisseurs of pilpul. It is true that Samuel did publish in the same year a small selection of Ezekiel's sermonic material. The small size indicates that he did so much more hesitantly, apparently fearing that Ezekiel's *mussar* might no longer be the type that would appeal to a later generation, at least the generation of 1827 Prague, whose maskilic tastes definitely did not run to the "fire-and-brimstone" speeches that had been popular and normal a few generations back. On the other hand, pilpul was timeless.

These remarks, published in a different Prague, the maskilic center of 1827, obviously reflect Samuel's fear that the social criticism expressed by his father in his day was no longer looked upon with favor by the current generation of Prague readers. On the other hand, these criticisms were published in Warsaw in 1899. Poland at that time had a large very traditionally orthodox reading public, Hasidim as well as Mitnagdim, who were worried about the inroads into their world being made by modernity. These readers were not only not repelled by Ezekiel's *mussar*, they were positively inspired by it. This publication history is a metaphor for the phenomenon that Ezekiel Landau's writings remained and continue to remain very popular in the ultra-orthodox world of the yeshiva and hasidism even though (in the opinion of his son) they no longer appealed the people of his own community of Prague within a generation or two after his death.

⁶⁵⁹ On this tendency, see Simon Glicksberg, *Ha-Drasha be-Yisrael* (Tel -Aviv, 1940), 263.

⁶⁶⁰ They have been collected in Sharon Flatto, "The Concealed and Revealed in Ezekiel Landau's Writings," *passim*.

The *Doresh le-Tziyon* reveals to us the world of thought of Ezekiel Landau, not his external world, his general environment. Indeed, this ignoring of social reality in published *drashot* has led one historian to complain: "Precisely the material of greatest interest to the modern historian, that which provides specific information about a concrete situation in one community at one time, is the least likely to have been thought worthy of preservation by most preachers."⁶⁶¹ In this respect Samuel Landau was no different than his father. It was not until 1899, under different circumstances, that one of Ezekiel's descendants living in Libau, Courland, published a series of *drashot* that contained a great deal of homiletics as well as *mussar*. These forty-five *drashot* reveal a passionate orator and social critic. They reveal the person described by contemporaries in Prague as capable of moving an audience to tears, of pounding the pulpit so hard that his white fur rabbinical hat fell off.⁶⁶² Such a persona is entirely missing from the *Doresh le-Tziyon*. The forty-five sermons date from a later period, the rabbinate in Prague, so they will not be discussed here.

It is interesting to note that whatever the interests of the social historians, the publication history of Ezekiel's works indicate that Ezekiel and Samuel knew their audience, the world of rabbinical scholars. The *Noda BiYhudah*, the *Zlah*, and the *Doresh le-Tziyon* have been reprinted continuously ever since their original publication. The *Derushei ha-Zlah*, the collection of forty-five sermons, has been reprinted only twice.

How well-known was the *Doresh le-Tziyon* in the 1740s and 1750s? It was not published, but there can be no doubt that at least some of its contents circulated throughout the rabbinic world, and that Ezekiel Landau's reputation was greatly enhanced as a result. The world of rabbinical scholars and students was and is an oral world. Statements of one scholar or teacher

⁶⁶¹ Saperstein, *Jewish Preaching*, 22.

are disseminated by his students, many of whom wandered from yeshiva to yeshiva, as was the fashion. If anything, there was too much of it, for as we have seen, Ezekiel Landau published the *Noda BiYhudah* partly because his *hiddushim* were being pirated by others, who were publishing them as their own. We can be sure that the sparkling pilpulistic insights of the rabbi of Yampol, even unpublished, circulated widely and contributed to his reputation. By the 1750s, when the Emden-Eibeschutz controversy erupted, the rabbi of Yampol was a well-known public figure actively courted by both sides. It is to this episode that we now turn.

⁶⁶² Klemperer, "The Rabbis of Prague," *Historica Judaica* 13 (1951): 58, n. 10; 62.

The Great Controversy

Introduction

In this chapter I discuss Ezekiel Landau's role in the Emden-Eibenschutz Controversy of the 1750s, a crucial episode in his career. Landau's intervention in the controversy brings into relief another aspect of the pre-modern rabbinate, one which usually did not need to be expressed because it was taken for granted: its ideological and theological stance. The Ashkenazic rabbinate did not generally preoccupy itself with philosophical or theological matters. Exceptions like the Maharal of Prague confirm the rule. Philosophical questions had been answered, it was felt, by the great Maimonides. Kabbalistic questions were dealt with by specialists in mystical literature and practice, not by communal rabbis, unless they happened to be mystics. Until the rise of Sabbetai Tzvi and Sabbatianism in the late seventeenth century, it does not seem that "heretical" movements arose among Ashkenazic Jew that required a response.⁶⁶³

With the rise of Sabbatianism, this changed, and during the late seventeenth and eighteenth centuries communal rabbis did need to worry about ideological or theological heresy, and they were expected to lead or play appropriately significant roles in combating heresies. In this chapter, we will examine Rabbi Ezekiel Landau of Yampol in his role as a "defender of the

⁶⁶³These observations are confirmed by a perusal of Louis Jacobs' survey of the responsa literature, *Theology in the Responsa* (London, 1975), where hardly any Ashkenazic rabbis deal with questions or issues not directly related to law and ritual practice..

faith," which means his role as an opponent of Sabbatianism, a role which seems to have begun in the early 1750s. For the rest of his life, Landau would be engaged, among his numerous other activities, in fighting heresies, first the Sabbatian and Frankist heresies in Poland and then in Prague, and later the heretical doctrines he perceived the Haskalah, the incipient Jewish Enlightenment, to contain.

In the sixth year of his rabbinate in Yampol, Ezekiel Landau became involved, or more accurately, he involved himself, in the most famous and bitterest Jewish and rabbinic controversy of the eighteenth century. It was a controversy international in scope, for it involved Jewish authorities all over Europe and the Ottoman Empire. As a result of his intervention, Landau's name catapulted to both fame and notoriety, with most important consequences for his career. For Landau, the controversy would culminate in his election to one of the most prestigious communal rabbinate in the world, the rabbinate of Prague, the largest Jewish community in the world and one of the most important centers of rabbinic scholarship and culture in the Early-Modern period of Jewish history. For a rabbi of a small town like Yampol, the election to the Prague rabbinate represented a remarkable promotion.

In addition to the consequences to his career, the controversy would force Landau to become entangled in the question of Rabbi Jonathan Eibenschutz's alleged Sabbatianism, something Eibenschutz hotly denied. It would face Landau with the extremely uncomfortable problem of having to publicly pronounce his own opinion over whether a highly respected fellow rabbi, perhaps *the* most highly respected, was a despicable liar and a unparalleled deceiver, or the greatest scholar of his generation unjustly persecuted by jealous and small-minded opponents, who also happened to be some of the foremost rabbis of the day. It seemed a situation from which Landau could not emerge without alienating one large segment of the public or the other,

a dilemma that could not help but hurt his standing and his career. Yet it did not turn out that way.

Finally, the controversy forced Landau to grapple with questions that went to the very heart of traditional, rabbinic values, such as the desire to preserve rabbinic Judaism in its perceived ideological and theological purity, free from taint by Sabbatian heresy, versus the extreme reluctance to deal with the ideological and political (in the internal Jewish sense) consequences of publicly admitting that the preeminent representative of contemporary rabbinic culture and values identified with doctrines held to be a mortal threat to that culture, and with values, doctrines and practices which were held to be as abominable and contemptible as they were false.

The Emden-Eibeschutz Controversy

The eighteenth century was an age of contentious and vituperative controversies and disputes between different members and groups of the traditional Jewish elites. Clearly, the greatest and most contentious was the Emden-Eibeschutz Controversy, which lasted from 1751 to 1764 (death of Eibeschutz), or even to 1776 (death of Emden). Historians have interpreted these controversies as manifestations of a general crisis of authority within the European Jewish communities. The eighteenth century is generally viewed as a watershed period, the beginning of the modern era in Jewish history. Such periods are characterized by crises and changes; hence Katz's reference to "Tradition and Crisis;" "The Turning Point of Modern Jewish History: The

Eighteenth Century;" and Abramsky's "Crisis of Authority Within European Jewry in the Eighteenth Century."⁶⁶⁴

An outstanding feature of these eighteenth century disputes is precisely the fact that they took place within the world of the rabbinic and kehillah leadership. The controversies concerning Nehemiah Hayon and other suspected Sabbatians; the controversies surrounding Moses Hayim Luzzatto; the *get* (divorce document) executed in London; the *get* executed in Urbino; the *get* executed in Cleves; the *get* executed against the wife's will; the conflict over the fitness of Samuel ben Avigdor to be rabbi of Vilna (a fight which lasted 30 years!); these and others were fought out mainly in correspondence, pamphlets, and books between various rabbis and *kehilot*. To be sure, the public became involved, often violently. But the principals, the protagonists, were rabbis and communal leaders, and the conduct of the struggles lay in their hands.⁶⁶⁵

⁶⁶⁴ Chimen Abramsky, "The Crisis of Authority Within European Jewry in the Eighteenth Century", in S. Stein and R. Loewe (eds.), *Studies in Jewish Religion and Intellectual History Presented to Alexander Altmann* (Alabama, 1979). Jacob Katz, "The Turning Point of Modern Jewish History: The Eighteenth Century", in *Vision Confronts Reality; Historical Perspectives on the Contemporary Jewish Agenda*. Ed. by Ruth Kozodoy [et al.], (New York, 1989), 40-55

⁶⁶⁵ For the Hayon and Luzzatto controversies, see Elisheva Carlebach's detailed study, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Controversies* (New York, 1990). For the "get of London" controversy which occurred in 1706-7, see Uri Phoebusch Hamburger, *Urim ve-Tumim*, (London, 1707) and Yohanan Holleschau, *Maaseh Rav*, (London, 1707), as well as the fragment printed in Assaf, *Mekorot* I 144. The 1727 *get* of Urbino controversy is described by Cecil Roth in *Personalities and Events in Jewish History* (Philadelphia, 1953), 275-282 (the original documentation, ninety pages long, is contained in Isaac Lampronti's *Pahad Yitzhak* under the entry *safek* 75b-123b). The controversy surrounding the *get* of Cleves is described in the next chapter of this dissertation, as is the controversy surrounding the *get* executed against the wife's will, which broke out in Poland in 1765; Ezekiel Landau was one of the major figures in both controversies. The controversy surrounding Samuel ben Avigdor and the rabbinate of Vilna is described by Israel Zinberg, "Milhemet ha-Kahal be-ha-Rav ha-Aharon be-Vilna," in *He-Avar* ii (Petrograd, 1918), 45-74; and in Israel Klausner, *Vilna be-Tekufat ha-GRA* [Vilna in the Era of the Gaon] (Jerusalem, 1942), 50-292.

As a recent student of the Emden-Eibeschutz controversy has noted, "a complete description of this controversy remains a major historical desideratum."⁶⁶⁶ Some of the fundamental primary sources have not yet been published. Nevertheless, this has not prevented historians and others interested in the past from passionately arguing who was right, that is, whether or not Eibeschutz really was a secret Sabbatian. Suffice it to say that this *Historikerstreit* has raged throughout the nineteenth and twentieth centuries, with the bulk and eventually the totality of academic scholarly opinion coming down on the side of Graetz and Scholem that Eibeschutz was in fact a Sabbatian. It is also true that the historians who have espoused this view in their studies of the matter have been Scholem's disciples: Tishby, Perlmutter, and Liebes, while their opponents have been Orthodox Jewish scholars out to defend one of the *gedolim*.⁶⁶⁷

It is not my intention to describe in detail the entire controversy, and certainly not to decide which side is correct. I am interested in the role Ezekiel Landau played in the controversy, a role which has sparked an entire literature. Historians of the controversy and partisans of Emden and Eibeschutz have devoted considerable scholarly attention to two questions: a.) What was the role of Ezekiel Landau in the controversy? b.) Did Ezekiel Landau believe that Eibeschutz was a Sabbatian? As we shall see, Landau played a major, extremely influential, role in the controversy, a role which earned him lavish praise and vituperative condemnation.

Repercussions of the controversy lasted until the end of his life. Let us examine the basic facts.

The controversy commenced on Thursday morning, February 4, 1751 in a synagogue in Altona. Jacob Emden, a renowned rabbinical scholar and anti-Sabbatian activist, publicly

⁶⁶⁶Schacter, *Rabbi Jacob Emden*, 466.

⁶⁶⁷See Schacter 394-412 for a comprehensive review of the historiography. For an analysis of the Orthodox Jewish historiography on the controversy, see Yaakov Barnai, *Shabta'ut: Hebeitim Hevrati'im* (Jerusalem, 2000), 120-141.

announced that after examining a number of amulets circulating in the community, he had come to the conclusion that they had been written by a Sabbatian, and that the amulets contained Sabbatian references and prayers. Although Emden named no names, it was clear that he was referring to the only person in town composing and circulating amulets, the new Chief Rabbi of Altona, Jonathan Eibeschutz. Eibeschutz had been elected to the post of Chief Rabbi of Altona-Hamburg-Wandsbek in the previous year and had assumed office in September. It was well-known that in addition to being a rabbinical scholar, he was a famous kabbalist, to whom all kinds of mystical powers were ascribed.⁶⁶⁸ Indeed, at his first public reception in Altona, many members of the community were actually afraid to greet their new rabbi because they were afraid that with his magical powers he would literally be able to read their minds and know their innermost thoughts. Some of those who did shake his hand covered their face with their hats lest the renowned mystic read their foreheads. The awe and respect in which Eibeschutz was held by his community is conceded by Emden, who relates how in his first *drasha* the new chief rabbi admonished his congregants to remove the expensive porcelain figurines which were all the rage and which filled the houses of the well-to-do. Such figurines, the new rabbi thundered, violated the Torah's prohibition of graven images. The community, Emden assures us, accepted the new rabbi's command without demur and destroyed their figurines, at no small financial loss.

Eibeschutz's prestige was sky-high in the community.⁶⁶⁹

In addition, Eibeschutz was generally held to be one of the foremost Talmudists and pilpulists, if not *the* foremost, of the day. He was unquestionably the most charismatic. By the time he arrived at Altona at the age of sixty, he had taught more than twenty thousand students,

⁶⁶⁸Eibeschutz was a descendant of one of the most distinguished Ashkenazic kabbalists, Nathan-Nota Shapiro of Cracow (1585-1633).

who had flocked to his yeshiva in Prague from all over Europe.⁶⁷⁰ Subsequent testimony by students indeed reveals a charismatic personality who knew how to win intense loyalty and affection. One student, for example, described how when his time came to "graduate," to leave the yeshiva, Eibeschutz, in a spontaneous gesture, grabbed his wife's prized Sabbath silver candlesticks and gave it to the young graduate as a lifelong token of his teacher's affection.⁶⁷¹

Eibeschutz had been elected Chief Rabbi of Metz in 1740. Before that he had conducted a successful yeshiva in Prague. He was a candidate for the Chief Rabbinate of Altona-Hamburg-Wandsbek in 1749-50. The other candidate was Jacob Emden, whose father, Hakham Tzvi Ashkenazi, had been Chief Rabbi of the Three Communities at the end of the seventeenth century. Emden himself was not a communal rabbi but a private scholar and author of rabbinical works, who supported himself, with uneven success, as a businessman. Although he proudly declared that he was not interested in a communal rabbinical career, Emden seems to have had ambitions in that direction. In any event he certainly allowed his name to be submitted as a candidate for the rabbinate of Altona-Hamburg-Wandsbek in 1749, a position once held by his father, whom he revered. His loss in the election to Eibeschutz must have been a bitter blow, and his subsequent accusations of Eibeschutz were attributed by the latter's partisans to sour grapes.⁶⁷² Emden was portrayed by them as a sore loser, frustrated by the results of the election and determined to undo those results by impugning the character of Eibeschutz. This charge was

⁶⁶⁹ Jacob Emden, *Hitavkut* (Lvov, 1877) 8b-9a; 4a-b; *idem.*, *Beit Yehonatan ha-Sofer* (Altona, 1763), 9b; Leopold Grunwald, *Ha-Rav R. Yehonatan Eibeschutz* (New York, 1954), 40.

⁶⁷⁰ See note 10a *supra*. In his biography of Eibeschutz, *Gedulat Yehonatan* (Pieterkov, 1930) 264-83, David Zinz gives a partial listing of Eibeschutz's students who became rabbis or communal leaders. The list contains over two hundred names! The figure of 20,000 seems quite exaggerated; however, even if Eibeschutz had 10,000 or even 5000 students it would still represent a remarkable figure.

⁶⁷¹ Leopold Greenwald, *Beit Yehonatan* (Sziget, 1908), second section (comments and additions), 3a.

hotly denied by Emden and his supporters, who claimed to be motivated by the praiseworthy desire to expose heresy in high places and root it out. The community as a whole, led by the communal authorities, sided with Eibeschutz, and when a second election was ordered by the Danish authorities in 1756, Eibeschutz was overwhelmingly reelected. Attempts by Emden to secure the support of the Danish government (Altona was part of Denmark) were defeated by Eibeschutz's partisans.⁶⁷³

Rebuffed by the local Jewish community and by the Danish authorities, Emden determined to wage a campaign in the court of Jewish public opinion. If the Danish and the communal authorities could not be persuaded that Eibeschutz was a Sabbatian, perhaps the great rabbis of the generation might. If Emden and his supporters could persuade the rabbis of Poland, Italy, or the Ottoman Empire, the Jewish public would conclude that Eibeschutz really was a heretic, and the *kehilah* of Altona-Hamburg-Wandsbek would be forced to dismiss their Chief Rabbi. Accordingly, Emden launched a massive campaign of correspondence with the important rabbis of the day throughout the world.

Emden's task was not easy. Eibeschutz enjoyed a great reputation, and contemporaries were horrified to even entertain the possibility that such a leading scholar and (by many

⁶⁷²Mortimer Cohen, *Jacob Emden, Man of Controversy*, 78.

⁶⁷³A basic account of the controversy is given in Graetz-*SheFeR* VIII 453-495 and 614-636. Neither Emden nor Eibeschutz have been the subjects of comprehensive historical (as opposed to hagiographic) biographies, although Jacob J. Schacter did write a dissertation on many aspects of Emden's life in 1988. To be sure, a number of basically uncritical hagiographic biographies of these two famous rabbis of the eighteenth century have appeared over the last two centuries; the pro-Eibeschutz biographers provide critical information on Emden, and the pro-Emden ones do the same for Eibeschutz. Emden, in particular, was the subject of a "psycho-biography" by Mortimer Cohen in 1937, a work that was severely criticized by Gerschom Scholem and Salo Baron, as will be discussed later in this chapter. For all its flaws, Cohen does provide an English account of the controversy, although from the Eibeschutz point of view. This work, if read judiciously, will provide the reader with the basic chronology of events, something Schacter does

contemporary accounts) saint might be a Sabbatian. There was an obvious and understandable reluctance to believe the charges in the absence of hard proof. And indeed, the controversy raged precisely over the issue of proof. Emden charged that the amulets, though written in kabbalistic code, could be deciphered without too much difficulty, and were clearly Sabbatian. Eibeschutz challenged Emden's deciphering, offering his own, innocuous, version of the decoded meanings of the amulets. In addition, Eibeschutz challenged the veracity of some of the amulets produced and published by the Emdenites, claiming that they had been tampered with and doctored by his opponents to blacken his reputation. Emden, of course, hotly denied that the evidence was tainted.⁶⁷⁴

In addition to the amulet controversy, Emden and his supporters charged Eibeschutz with being the author of a number of other kabbalistic works which were, he argued, clearly Sabbatian. The most prominent of these works was a tract entitled *Ve-Avo ha-Yom el ha-Ayin* ("I came this day to the spring" - *Genesis* 24:42). This charge was not new. A quarter of a century earlier, in the course of the great anti-Sabbatian campaign of 1725-6, Eibeschutz had been charged with having written this tract, as well as with having been in secret correspondence with notorious Sabbatians, and with being, in general, a leader of the underground Sabbatian movement. Eibeschutz, for his part, had denied everything, and had successfully weathered the storm, blocking all attempts to publicly brand him as a Sabbatian, something most of his rabbinical colleagues had been loathe to do, considering his renown. Emden now revived all of

not do. Schacter's goal is to write about Emden as an historical figure in his own right, not solely as the protagonist in the famous controversy.

⁶⁷⁴ Emden's decipherment of the amulets appears in the first fifteen pages of *Sefat Emet ve-Lashon Zehurit* (Altona, 1752 [unpaginated]; Lvov, 1877). Eibeschutz's version appears in the introduction to his *Luhot Edut* (Altona, 1755).

these old charges, which were not moot but of great contemporary relevance, since these and other heretical tracts were circulating in Poland, to the horror of the Polish rabbis.⁶⁷⁵

The controversy swirled, then, around the issues of the amulets and the tracts. Emden's strategy was to secure public backing for his position and the excommunication of Eibeschutz as a heretic by the leading rabbis of the day. As we have seen, this was no easy task. For one thing, Eibeschutz had taught thousands of students, and many of them held prominent rabbinical positions in Central and Eastern Europe. Indeed, to counter Emden's efforts to obtain rabbinical letters of disapprobation, Eibeschutz secured over eighty written testimonials from senior rabbis all over Europe and the Ottoman Empire. He published them together with a statement of his position, including his version of the amulets. This book, *Luhot Edut*, "Tablets of Testimony," was published in the summer of 1755, and it is indeed a testimony to the esteem he enjoyed in the rabbinical and scholarly world. Publication of the work effectively countered Emden's attempts to secure the kind of international consensus of great rabbis as to Eibeschutz's guilt that would have forced the community of Altona-Hamburg-Wandsbek to remove the latter from office.

Emden had failed to win in the community, in the Danish royal court, or in the rabbinical world. However, convinced of the truth of his charges, he refused to let the matter die. After all, the issue at hand was whether or not Eibeschutz was a Sabbatian. If he was, if he was the author of the amulets and the tracts, then all the written opinions and court rulings in the world were irrelevant. Emden, who owned a printing press in Altona and who had secured the protection of

⁶⁷⁵ The connection between Eibeschutz and the *ve-Avo ha-Yom el ha-Ayin* is the subject of an entire study by Moshe Aryeh Perlmutter, *R Yehonatan Eibeschutz ve-Yehuso el ha-Shabta'ut* (Jerusalem, 1947). Following in the footsteps of his teacher Scholem, Perlmutter argues that Eibeschutz was indeed the author of the tracts. The anti-Sabbatian campaign of 1725-6 is the subject of a chapter by Elisheva Carlebach, *Heresy*, 61-194.

the Danish authorities for his personal security, published a string of books and pamphlets attacking Eibenschutz and his followers. These polemical works of Emden's are unmatched in rabbinical literature for personal attack, invective, and vituperation. A master of rabbinic Hebrew with its many biblical and Talmudic allusions, Emden used his literary skill to accuse Eibenschutz of every possible crime, even incest with his own daughter.⁶⁷⁶ Such extreme charges concerning a great rabbi were absolutely unprecedented and strained credulity. Indeed, the rabbinic and scholarly world in general refused to believe such extraordinary accusations, and while Emden's books and pamphlets did circulate widely, they did not win him the support he sought. Although he was able to wound Eibenschutz, to damage his reputation to a certain degree - it would be remarkable if such an abundance of defamatory material would not have any effect - and to cause him personal anguish, ultimately Emden's efforts were unsuccessful. Eibenschutz retained his position as Chief Rabbi until his death. He continued to enjoy the support of his community as well as the respect, formal in some cases, sincere in others, of his colleagues. Emden, frustrated by his lack of success, continued to insist upon Eibenschutz's guilt even after the latter's death. Indeed, the issue remained Emden's *idée fixe* until his own death in 1776.

Such, then, are the basic facts of the famous affair. The controversy raged with particular intensity in the early 1750s, at a time when Ezekiel Landau was rabbi in Yampol enjoying a growing reputation as one of the leading Polish rabbis. The opinion of the Polish rabbis was a factor of crucial importance to both parties. Poland had the largest Jewish population by far. In addition, it was considered *the* main center of serious rabbinical scholarship. Almost all the great rabbis of the German, Dutch, and English Ashkenazic communities in the eighteenth century

⁶⁷⁶ *Hitavkut* (Lvov, 1877 edition), 21b and 43a.

were imported from Poland, including, eventually, Ezekiel Landau. If the Polish rabbis could be convinced of Eibeschutz's guilt, his position would be untenable.

The day after charging the author of the amulets with heresy, Friday, February 5, 1751, Emden commenced his literary campaign. At first he wrote to other German communities where other Eibeschutz amulets were located. Emden wanted these seized and examined for Sabbatian references, the results to be forwarded to Emden in Altona. Eibeschutz responded two weeks later (February 21) with a public sermon in which he denied all charges and publicly condemned Sabbatianism as an abominable heresy. He accused his accusers of being actuated by base motives and of being unable to properly decode kabbalistic amulets. During the following two months amulets were seized and examined and copies were sent to Emden, who threatened to publicize them with his interpretations of them as Sabbatian. This was seen as a declaration of war by Eibeschutz's partisans, who included a majority of the community as well as the *kehilah* authorities. Perceiving that he had ignited violent resentment, and fearing for his personal safety, Emden fled to Amsterdam on Saturday night, May 22. From the safety of his new residence (his brother-in-law was the Ashkenazic Chief Rabbi of Amsterdam and an active partisan of the anti-Eibeschutz cause), Emden launched a campaign of correspondence with the great rabbis and communal leaders of the Jewish world, soliciting their support in a holy war against the heretic. However, to his chagrin, news reached him that a group of Polish rabbis, headed by the rabbi of the important community of Lublin, had excommunicated Emden and his German rabbinical supporters on the grounds that they had had the effrontery to accuse a great rabbi such as Eibeschutz with such a foul sin as heresy. The Lublin rabbi, Hayim ben Abraham, was a young man, a former student of Eibeschutz's, and the son of a wealthy and influential father. The excommunication served as a shot across the bow to the Emdenites; Eibeschutz clearly enjoyed

strong support among at least part of the Polish rabbinate. If Emden wanted the support of the Polish rabbis, it was up to him to make the case.⁶⁷⁷

Emden's immediate response to the excommunication was scorn and outrage that a relative unknown in the rabbinic world, a "rich kid" whose father had bought him the Lublin rabbinate, had had the effrontery to excommunicate outstanding rabbinical scholars, men of unimpeachable reputation who were not members of the Lublin *kehilah* and therefore not subject to the jurisdiction of the Lublin rabbinate. Emden realized that the controversial action of the Lublin rabbis was bound to cause a negative reaction among the rest of the Polish rabbinate and lay leadership, who respected Emden and the other German rabbis as great scholars and honest men. Emden seized the opportunity to issue a written protest to the *Vaad Arba Aratzot*, the Council of the Four Lands representing the whole Polish rabbinical and lay leadership, which was in session in Constantinov. In this protest, entitled *Iggerot Shum*, Emden expressed the justifiable outrage he and his colleagues felt at being excommunicated by an upstart for seeking to expose heresy in high places. This gave Emden the opportunity to make his case against Eibeschutz, which he did at some length and with truly extraordinary vituperation.⁶⁷⁸

The excommunication did indeed shock many of the Polish Jewish leadership, especially those who had connections with the excommunicated. One of the excommunicated was the highly respected rabbi of Frankfurt, Jacob Joshua Falk, one of the preeminent Talmudists of the day, a man who had formerly been chief rabbi of Lvov, where he had played a leading role in

⁶⁷⁷ Ibid. 12a; Graetz-*SheFeR*, 476; Mortimer Cohen, *Jacob Emden, A Man of Controversy*, (Philadelphia, 1937), 131-6; Emden, *Edut be-Yaakov* (Altona, 1756), 5b; Eibeschutz, *Luhot Edut* (Altona, 1756), last item (pages 163-76 in the Jerusalem 1966 photostat edition); *Hitavkut*, 13a-b (Emden's flight from Altona); *Luhot Edut*, 20a, *Sefat Emet*, 17a (Lublin excommunication). See Kamelhar, 89, for the marriage between Hayim's nephew and Ezekiel Landau's daughter.

Polish Jewish life as a member of the rabbinical elite. Falk had been a very prominent *rosh yeshiva* in Poland, and his numerous students occupied prominent rabbinical and lay positions. One of them was Barukh ben David Yavan, "Court Jew" of Count Bruehl, the powerful prime minister of the Polish king Augustus III. Determined to avenge the outrage done to his teacher, Barukh used his influence in August 1751 to have Hayim of Lublin deposed from the rabbinate and imprisoned together with Hayim's father, the wealthy Abraham.⁶⁷⁹ In spite of this, important Polish communities, including Vilna, Cracow, and Zolkiev published excommunications against those who agitated against Eibeschutz, though without mentioning names.⁶⁸⁰

These incidents of excommunication and deposal-imprisonment characterized the unedifying struggle in Poland between the partisans of Eibeschutz and those of Falk and Emden. Indeed, the two groups acted like political parties and used their financial resources and governmental connections to advance their respective causes at the expense of their opponents. As it happened, Emden's partisans were not able to persuade the *Vaad Arba Aratzot* in Constantinov to condemn Eibeschutz. In a reply to Emden, the President of the *Vaad*, Abraham of Lissa, deplored the strife engendered by the entire affair, especially its spread into the non-Jewish newspapers.⁶⁸¹ It was clear that the desire of the *Vaad* was to make the entire controversy disappear, which was the opposite of what Emden desired. Eibeschutz had in the meantime written to the Polish rabbis, giving his side of the amulet controversy. He realized that if the

⁶⁷⁸ Emden's *Iggerot Shum* is printed in *Edut le-Yaakov*, 32-55, and reprinted in Israel Halpern's *Pinkas Vaad Arba Aratzot*, 346-355. A partial English translation is provided by Mortimer Cohen, 168-77.

⁶⁷⁹ Barukh later married his son to Emden's daughter, see Halpern, 361 note 4.

⁶⁸⁰ Emden, *Torat ha-Kana'ut* (Amsterdam, 1752; Lemberg, 1870), 62b; *Sefat Emet* 60a; *Edut be-Yaakov* 60b; Graetz-SheFeR, 481. On Jacob Joshua Falk, see Klemperer, *Rabbi Jonathan*, 75-77; J Levenstein, "Toldot Ha-Penei Yehoshua," in *Ha-Peles* 3 (1903), 44-50; 373-7; and Kamelhar, *Dor Deah*, III ("Gedolei Yisrael"), 15-22

⁶⁸¹ *Torat ha-Kana'ut*, 63; *Hitavkut* (Lvov), 96; Halpern, 361-2.

Polish rabbis were presented with a plausible, non-Sabbatian interpretation of the amulets, they would be satisfied to give him the benefit of the doubt, at least to the extent of not coming out publicly against him.⁶⁸² To further buttress his position, during the summer of 1751 Eibeschutz published an appeal to his students and admirers in the rabbinic world to go on record and state in print that he was not a Sabbatian but the opposite, a pillar of traditional rabbinism.⁶⁸³ Many of his former students occupied prestigious rabbinate. They hastened to respond, and their testimonials were collected and eventually published in an impressive volume, the abovementioned *Luhot Edut*. These testimonials demonstrated that there was no way Emden would be able to organize a united rabbinical front against Eibeschutz. Thus, Emden's efforts in Poland and Central Europe were unsuccessful. Appeals to the rabbis of Italy and the Ottoman Empire achieved similarly disappointing results.⁶⁸⁴

Emden had not succeeded in persuading the rabbis of Europe to accept his word that Eibeschutz was a Sabbatian and a reprehensible scoundrel. He now sought to confine his case against Eibeschutz to the issue of the amulets. In September 1751, three of Emden's prominent supporters, the rabbis of Frankfurt, Amsterdam, and Metz, publicly issued a legal opinion that the amulets were Sabbatian, and that whoever wrote them deserved excommunication and worse.⁶⁸⁵ This opinion was circulated in order to secure concurring opinions from other rabbis. Eibeschutz's name was not explicitly mentioned, a deliberate tactic to win support from those who otherwise would never have come out against the famous rabbi of Altona-Hamburg-

⁶⁸² Halpern, 368.

⁶⁸³ This "Call to Zeal" (אגרת קנאה) was included in *Luhot Edut*, 45b-46b.

⁶⁸⁴ See the pro-Eibeschutz letters in *Luhot Edut* from the Constantinople rabbinate (40-41) and the rabbis of Modena (21) and Livorno (22).

⁶⁸⁵ Zinz, 41. The opinions were printed some six months later in Emden's שפת אמת, see Graetz-SheFeR, 635. Ezekiel Landau's son Samuel later married Hinda, the granddaughter of the Rabbi of Metz Samuel Hillman Heilperin, see Kamelhar, *Mofet ha-Dor*, 95.

Wandsbek. A number of concurring rabbinical opinions were secured, such as that of the Venice rabbinate, whose concurrence was eventually published together with the opinion of the three rabbis.⁶⁸⁶

The legal opinions were officially forwarded to Altona and Eibeschutz was "invited" to respond. In fact, he was ordered to appear before a tribunal consisting of the three rabbis who had authored the opinion to clear himself of any suspicion of heresy. Eibeschutz was to legally bind himself to accept their verdict. In other words, he was invited to place his fate in the hands of his enemies. Of course, Eibeschutz had no intention of placing his head on their chopping block. On the other hand, the demand to have the whole matter cleared up in a public forum did make sense to many, and Eibeschutz did feel constrained to agree to a public hearing, though he would not agree to a tribunal composed of his enemies. Instead, he stalled, and over the course of the next two years he proposed a different tribunal, composed of the rabbis of Berlin, Lissa, and Glogau, prestigious rabbinical figures respected by both sides. For various reasons this counterproposal was not accepted.⁶⁸⁷

One thing was clear: Any trial would be an unprecedented humiliation for Eibeschutz. No rabbi, certainly no important communal rabbi, had ever been forced to defend himself before a public tribunal on any charges, especially charges of heresy.⁶⁸⁸ And, as any lawyer knows, once in court, who could tell what kind of evidence or testimony might be produced concerning amulets or anything else? After all, if even one of the numerous charges against Eibeschutz was shown to have any merit, Eibeschutz would be thoroughly discredited. That Eibeschutz was prepared to submit his case to any tribunal at all is a measure of the pressure he felt, not only

⁶⁸⁶ Graetz-*SheFeR* 482. See *Sefat Emet*, immediately following the opinion of the three rabbis. See also Markus Horovitz, *Rabbanei Frankfurt* (Jerusalem, 1972), 104.

⁶⁸⁷ *Luhot Edut*, 3a-4a; Zinz, 59-60.

from his enemies, but from his supporters, who would not have understood his reluctance to comply with the demand for a public trial. After all, what reason could he have not to go to court to clear his name? In the face of the serious charges leveled against him, would his supporters have continued to back him if he refused to air his case in public on the grounds that to do so would be a violation of his rabbinical dignity, a personal insult? Apparently not, for Eibeschutz realized that the affair of the amulets would not go away, and would have to be faced in a court.

This demand for a trial took place in Germany. In Poland, as we have seen, Eibeschutz enjoyed considerable sympathy, and when Eibeschutz sent the Polish rabbis his non-Sabbatian version of the amulets, many were inclined to give him the benefit of the doubt, even though his interpretations seemed somewhat strained. The Polish rabbis could afford to be generous; after all, Eibeschutz lived in Germany, not Poland. The amulets had been written and circulated in Germany. They did not directly affect the Jews in Poland. There was, however, another issue, one which did affect Polish Jewry, and on that issue the Polish rabbis were not prepared to be as generous. This was the issue of the tracts.⁶⁸⁹

The first half of the eighteenth century was a time when various Sabbatian groups and movements were active in Poland. The fierce opposition of the rabbis and the lay leadership forced these Sabbatian groups to operate underground, but they did operate and they did command a following, though it is impossible to estimate how many Jews were Sabbatians. These groups were not united into a single sect or group; they were in fact quite disparate.⁶⁹⁰ What they had in common was a positive attitude of some sort to Sabbetai Zvi as a messianic figure, and a negative attitude towards parts or the whole of normative rabbinic Judaism, as the

⁶⁸⁸ *Luhot Edut*, 34.

⁶⁸⁹ See Perlmutter, 48, on the centrality of the issue of the Sabbatian tracts, not the issue of the amulets, to the Polish rabbis.

term was understood in Poland. Some of these groups were radically antinomian; others were warm adherents and even avid scholars of the halakha.⁶⁹¹ To the rabbis and the rabbinical Jews, the shades of difference between the various groups were of no significance. They were all lumped together as heretics, *Shabsaizviniks*, or *Shebsen*.⁶⁹² The rabbis were determined to destroy the phenomenon, root and branch, and they had their work cut out for them, for in the eighteenth century Sabbatianism commanded a not inconsiderable following in Poland, especially in eastern Poland, including Podolia and eastern Galicia. *Kehilah* authorities were on the lookout for suspicious characters, suspicious behavior, and suspicious literature, and these authorities set up local "Inquisitions" complete with spies and detectives to search the luggage and mail of suspected heretics, especially visitors in local hostels. The public was encouraged to inform on persons suspected of Sabbatianism, and informers did come forward.⁶⁹³ The purpose of these activities was to expose the continued existence of crypto-Sabbatianism by publishing the incriminating literature and subjecting these individuals to "pitiless publicity." Such publicity, it was felt, would lead to universal censure and condemnation, thereby depriving the Sabbatians of any chance of subtly influencing the public through the infiltration of their doctrines into normative Judaism.

Back in the mid 1720s one such investigation had led to the discovery of a Sabbatian network, which had originated in the *kloiz* of Prague, and which had entered into correspondence and cooperation with a number of known Sabbatian activists, including Leible of Prossnitz,

⁶⁹⁰ Perlmutter, 21.

⁶⁹¹ Ibid., 20.

⁶⁹² Ibid., 22; Carlebach, 7-9; Israel Zinberg, *A History of Jewish Literature* VI (New York, 1975), 169-171.

⁶⁹³ Simon Dubnow, *History of the Jews in Russia and Poland* (Philadelphia, 1916), 211. See, in general, Mayer Balaban, *Le-Toldot ha-Tenuah ha-Frankit* (Tel-Aviv, Volume I 1934; Volume II 1935). For similar phenomena in Germany, see Carlebach, 186, 188.

Isaiah Hasid, and Moshe Meir of Zolkiev. At the center of the Prague group was reputed to be one Jonathan Eibeschutz, a promising scholar in his thirties who clearly had a brilliant future. *Kehilah* authorities authorized the search and seizure of the effects of Prague students suspected of Sabbatian connections. The searchers discovered manuscripts which in the opinion of the *kehilah* authorities, including the communal rabbinical courts, were Sabbatian, rank heresy. Under interrogation, the name of Eibeschutz kept cropping up, either as a correspondent and friend of these Sabbatians, as the author of some of the manuscripts, and/or as the "great white hope" of a demoralized Sabbatian movement bereft of outstanding rabbinic scholars or kabbalists. Prominent anti-Sabbatian activists, such as Moses Hagiz and a young Jacob Emden, had urged the European rabbis to expose and condemn Eibeschutz at the time and thereby deprive the charismatic teacher of the ability to influence so many students.⁶⁹⁴ These efforts failed. Although a number of important rabbis became convinced by the evidence that Eibeschutz was the author of Sabbatian works and an important, if discrete, Sabbatian leader, the great majority of the German and the Polish rabbinate could not bring themselves to believe that a scholar of Eibeschutz's caliber could possibly be a heretic. The charges against Eibeschutz emerged in the summer of 1725. On Yom Kippur (September 17, 1725), Eibeschutz publicly condemned and excommunicated Sabbatianism and its adherents. He corresponded extensively with the Polish rabbinate and assured them that the charges against him were groundless. He was believed.⁶⁹⁵

Or at least he was given the benefit of the doubt. The fact that he had been charged by generally reliable persons with heresy cannot have failed to have some effect in Poland. It is

⁶⁹⁴Carlebach, 181-182

⁶⁹⁵ *Torat ha-Kana'ut*, 82; *Hitavkut* (Lvov), 88; *Edut be-Yaakov*, 66; *Megilat Sefer*, 85; *Beit Yehonatan ha-Sofer*, 3b-4b; Perlmutter, 26-57; Carlebach, 161-194.

important to note that the feelings of the Polish rabbinate towards him were not necessarily those of warm partisans. Those students of his who occupied a number of Polish rabbinate, and his relatives may have been convinced that the entire campaign against him as nothing but one great outrage, the pillorying of an innocent, even saintly, man by base and unworthy enemies. The rest of the Polish rabbinate was not so sure. They were perfectly willing to give him the benefit of the doubt, not in a merely judicial sense, but out of a sense that the alternative was too shocking to consider. Were the charges true, it would be the scandal of the century. It would certainly expose the Jewish people and especially the rabbinate to the greatest ridicule on the part of the Christians at a time when Judaism had barely recovered from the ridicule it had suffered in the wake of the Sabbetai Zvi fiasco in the 1660s. In addition to the damage from external foes, the discovery that Eibenschutz was a Sabbatian would be a disaster from the internal Jewish point of view as well. It would strengthen the various crypto-Sabbatian groups by enabling them to claim the foremost scholar of the age as one of their own. They would be able to claim that their Sabbatian version of Judaism was actually the correct one, and that if the various rabbis opposed their version, that was because those rabbis were inexpert kabbalists, unlike Eibenschutz, whose reputation in such matters was almost unequaled. No matter what would happen, enormous theological confusion would ensue within Judaism at a time when it was weak and vulnerable, and the ultimate consequences could be catastrophic.⁶⁹⁶

The attitude of the Polish rabbinate, then, was one of wishing that the whole matter would go away. But it would not go away. At the time of the eruption of the amulet controversy in 1751, the Polish rabbinate was exercised over the rise, indeed the proliferation, of Sabbatian

⁶⁹⁶ Carlebach, 181, records the acute distress felt by rabbis at the very thought that a genuine scholar (as opposed to an ignoramus or a person of inferior intellectual attainments) could actually be a Sabbatian.

activists, groups, and writings in eastern Poland. Podolia was Poland's border province with the Ottoman Empire, and Sabbatians from Istanbul and Salonica were in contact with Podolian sympathizers. From Podolia, Sabbatian activists extended their activity into the neighboring eastern Galicia, the home of Ezekiel Landau. The rabbis in Galicia were aghast at the rise of Sabbatianism in their province, and were determined to do something about it.⁶⁹⁷

As rabbi of Yampol in nearby Volhynia, Ezekiel Landau, too, was concerned at the rise of heresy in his neighborhood and he was aware of the scandalous controversy of the amulets in Germany and of the mutual imprisonments in Poland. We know that like many other Polish rabbis, Landau entered into correspondence with Eibeschutz, although the two men never actually met.⁶⁹⁸ Like the other Polish rabbis, Landau was more concerned with the spread of Sabbatian writings in Poland than with the German amulets. He was aware that the local Sabbatians were boasting that the tracts they were disseminating had been authored by the renowned Eibeschutz and were therefore theologically and kabbalistically valid. These claims were winning them adherents all the time.⁶⁹⁹ The opinion was forming among the rabbinical establishment that there was some substance to the charges against Eibeschutz. As Landau himself wrote the following spring, the amulets certainly seemed to be Sabbatian.⁷⁰⁰ In addition, although Landau did not say so, the kabbalistic experts of the *kloiz* of Brody were of the opinion, which they published in the late summer of 1752, that the strange formulas contained in the

⁶⁹⁷ This was the cause of the emergency conference of rabbis in the summer of 1752, as well as a major theme of Ezekiel Landau's letter of that year, see below. For more on the connections between the Sabbatians of the Ottoman Empire and Podolia, see Balaban, *Toldot Tenuah ha-Frankit*; G. Scholem, "Berukhya, Rosh ha-Shabta'ut be-Saloniki" [Berukhya, Head of the Sabbatians in Salonika], *Zion* 6 (1941), 194.

⁶⁹⁸ "I wrote Rabbi Jonathan...He wrote me... *Petah Einayim* (Altona, 1756), 8a. See also Sid Leiman, "When a Rabbi is accused of Heresy," 181.

⁶⁹⁹ See below.

⁷⁰⁰ See below.

amulets were based upon the doctrines contained in those Sabbatian tracts Eibenschutz had three decades ago been accused of composing, including the *V'Avo Hayom el ha-Ayin*.⁷⁰¹ The Brody *kloiz*, of course, were none other than Ezekiel Landau's comrades and close friends, and he undoubtedly shared their evaluation of the amulets and their connection to the Sabbatian tracts. However, in spite of this evaluation of the evidence, both the *kloiz* as well as Ezekiel Landau stopped short of naming Eibenschutz as a Sabbatian. Indeed, Emden subsequently charged that the *kloiz* had been fully prepared to publicly name Eibenschutz but was dissuaded from doing so by Ezekiel Landau, who, Emden charged, was acting out of base careerist motives.⁷⁰²

Interestingly, Emden himself in that same work supplies us with explicit evidence that Ezekiel Landau disbelieved Eibenschutz already in the summer of 1751. Emden published a letter by a Polish rabbi, Chief Rabbi Zussman of Pogrebische (Bohybryscze), to his son who was studying in Eibenschutz's yeshiva in Altona.⁷⁰³ The letter is dated *Rosh Hodesh Tammuz* 5511, or July of 1751. Apparently, news of the controversy had reached eastern Poland, and filled the father with worry lest his son fall under Eibenschutz's evil influence. Zussman urged his son to leave the yeshiva: "For God's sake do not follow his ways!" Zussman went on to explain how he had found out about Eibenschutz. "On the day I heard [about Eibenschutz's Sabbatianism] from Rabbi Ezekiel of Yampol my stomach churned and my eyes began to flow with tears. Woe to the ears that hear such things! I now bitterly regret that you are studying with [Eibenschutz] and fear that you may join him and learn from his ways, God forbid....Return home and bring with you two or three [copies] of the amulets. See that they are accurate [copies]. Make sure they are autographs

⁷⁰¹ ל47-48, Perlmutter 47-48, וראינו שהקמיעות מסתעפים משרשי שורש פורה ראש ולענה, מאמונה כוזבת של הספרים הנ"ל.

⁷⁰² *Petah Einayim*, 3a; *Hitavkut* (Altona), 27a.

⁷⁰³ *Petah Einayim*, 14b; Leiman, 89. See also *Encyclopedia Judaica* 13:694.

of [Eibeschutz's] or copies of autographs. The rabbi of Yampol also asks for the same thing."⁷⁰⁴ Thus, Ezekiel Landau certainly was of the opinion that there was what to fear from Eibeschutz, and he wanted to examine an accurate version of the amulets. Emden later included this letter in a work damning Ezekiel Landau to prove that Landau was a hypocrite who publicly defended Eibeschutz even though he was quite aware of the latter's heresy.

The question arises, why did Ezekiel Landau not join the Emden camp? If Eibeschutz was a Sabbatian, was it not Landau's duty to work to have him exposed and removed from office? Although Eibeschutz did have a following in Poland, it was, for the most part, not a strong following, as we have seen. His support derived not so much from a strong conviction of his innocence as from a reluctance to accept the very abhorrent proposition that one of the leading rabbis of the generation was a heretic and had been one for decades. Aside from the general scandal and ridicule such a revelation would have meant for the Jewish world, it would necessarily lead to unpleasant conclusions concerning Eibeschutz's tens of thousands of students, who made up an appreciable portion of the Central and Eastern European rabbinate and world of Torah scholarship. And yet, there *were* these questions that would not go away. There *were* problems with Eibeschutz, at least in the minds of many. Although it would have been controversial had a young and coming rabbi like Ezekiel Landau come out against Eibeschutz, it would have undoubtedly redounded to his credit. He would have added a reputation as a doughty warrior for orthodoxy to his growing reputation as a pilpulist, halakhist, and communal rabbi. His support would certainly have been welcomed by the Emden camp, who would have heralded the adherence to their cause by one of the most dynamic and well-connected of the Polish rabbis.

704 כי ביום שמוע שמעתי מהרב ר' יחזקאל מק"ק יאמפלי ותרגז בטני וממש שעניי נזלה מים ואוי לאזנים ששומעות כדבר הזה. ויש לי חרטה גדולה על זה שאתה לומד אצלו שלא תתחבר ותלמד דרכו חס ושלוש...רק שוב אל ביתך ובאם

Once he was enlisted on their side the Emdenites would have praised his scholarship and rabbinical stature to the skies, hoping that Landau's enlistment in the anti-Eibeschutz cause might set an example for his colleagues.⁷⁰⁵ Perhaps the Polish rabbinate might be won for the cause after all!

Ezekiel Landau chose not to do this. Whatever his personal suspicions of Eibeschutz, he did not join the Emden camp. The consequence was that Emden and his followers subjected Landau to a heavy dose of the opprobrium they had previously showered exclusively upon Eibeschutz. Emden would eventually devote an entire book to besmirching Landau and his family. Landau must have known that such would be the reaction to his non anti-Eibeschutz stance. Why did he adopt such a stance, especially if he privately agreed with the Emdenites?

The Emdenites had a ready explanation: Ezekiel Landau wanted to be elected Chief Rabbi of Prague, the largest Jewish community in Europe. Prague had been the residence of Eibeschutz for decades, and Eibeschutz enjoyed a powerful and intensely loyal following there, although there was also an important element opposed to him. Ezekiel Landau, charged the Emdenites, was afraid to come out openly against the popular Eibeschutz because such a stance would alienate the Prague electorate. Such had been the fate of Emden's brother-in-law, Aryeh Leib of Amsterdam, who had been elected Chief Rabbi by the Prague community and then unelected by them when they learned of his role as one of the leaders of the Emden camp.⁷⁰⁶ Unworthy motives, the Emdenites charged, were leading Ezekiel Landau to countenance

שתשוב לביתך לקוח עמך שנים או שלשה קמיעות. וראה שלא יתחלפו רק שתדע שהיא בודאי אמת מכתבת ידו או העתקה מכתבת ידו כדי לידע האמת. וגם הרב מק"ק יאמפלי גם כן בקש בעבור זאת

⁷⁰⁵ See *Torat Hakana'ut* 72b, where Emden praises Ezekiel's grandfather Hirsch Vitche's, whom he elsewhere excoriates, when it was expedient to do so.

⁷⁰⁶ For details of this most unusual affair, see Salomon Hugo Lieben, "Handschriftliches zur Geschichte der Juden in Prag in den Jahren 1744-1754," *Jahrbuch der juedische-literarischen Gesellschaft in Frankfurt a. M.* II (1904), 320-322, 327-329.

heresy.⁷⁰⁷ What did he care about the damage unsuppressed Sabbatianism was causing among the unsuspecting faithful as long as he secured the plum post of Chief Rabbi of Prague? To the Emdenites, Landau was an unscrupulous hypocrite, all the more dangerous because of the esteem he enjoyed. If anything, Landau was more contemptible than Eibeschutz. The latter was acting out of loyalty to his Sabbatian beliefs. Landau was nothing but a careerist. Hence the particularly bitter tone of the invective against him.

The charge of careerist opportunism was made repeatedly by Emden in a number of his works. A letter by the most distinguished of the Emdenites, Chief Rabbi Jacob Joshua Falk of Frankfurt, written in February of 1753 reflects the disgust felt for what they viewed as Ezekiel Landau's two-facedness and unprincipled maneuverings in the affair.

I was informed by the scribe who arrived from Frankfurt that persistent rumor has it that the rabbi of Yampol has been elected Chief Rabbi of Prague. I dismissed the rumor out of hand since not a hint of such an election has been heard anywhere in the communities surrounding us, not even among the wicked ones [i.e., the pro-Eibeschutz faction] in Mannheim...You too would have heard about it. So I concluded that it was an outright lie. If I thought for a moment that it was true, I would include in the broadside we are about to publish an account of the first letter addressed by the rabbi of Yampol to all the rabbis and geonim wherein he admitted that despite the fact that Eibeschutz's abominations are well known to him, he beseeches all of us to take pity on the honor of his Torah, and to take into account the profaning of God's name that had occurred. In light of these considerations he asked that we partially overlook Eibeschutz's sins and treat him with leniency. So he wrote me in a lengthy letter; no doubt he wrote you the same.

Now there appears to be more to the rumor than I thought, for yesterday I received a letter from Poland in which it is stated that the rabbi of Yampol openly announced that he had been elected Chief Rabbi of Prague. Moreover he compounded his villainy by influencing the Chief Rabbi of Lvov to refrain from contributing yet another missive to the controversy, claiming that such action would be detrimental to [Landau's] appointment to the Prague rabbinate. Landau found it necessary to wield his influence, for the Chief Rabbi of Lvov had convened an assembly of rabbis who were about to place Eibeschutz under the ban and circulate letters to that effect throughout Europe and especially in Germany. Landau was explicit in justifying his intervention to the Chief Rabbi of Lvov: his election

⁷⁰⁷ *Hitavkut* (Altona) 26b-27a; 147a (גת דרובה).

to the Prague rabbinate was due to the notorious heretic's [i.e., Eibeschutz's] extraordinary efforts on his behalf (על ידי התפעלות גדולות של המין המפורסם).

The rabbi of Yampol acted similarly in Volhynia to block [any move against Eibeschutz]. Even though my son's father-in-law Rabbi Hayim Landau as well as the magnate Berish, *parnas* of the provincial *va'ad* of Lvov, were both prepared to support the rabbi of Lvov [in excommunicating Eibeschutz], nothing happened because of the rabbi of Yampol's extraordinary efforts, which succeeded in nullifying all plans [to act against Eibeschutz]. I cannot really understand how the rabbi of Lvov was persuaded by the rabbi of Yampol, who plainly admitted that he was motivated by the desire to be elected rabbi of Prague...After searching diligently through my correspondence, I located the first letter sent by the rabbi of Yampol. Indeed, he denounces Eibeschutz at length. And then he had the nerve to send that second letter in his own hand to all the communities commanding them to follow his instructions to the letter and not to deviate from any of its terms! In making such a demand he revealed his baseness and stupidity to the entire world, revealing himself to be a two-faced person, a "halter between two opinions" (*I Kings* 18:21) just like in the days of the prophet Elijah, half inclined towards the Lord, half towards Baal.⁷⁰⁸

According to this letter, Ezekiel Landau not only failed to come out against Eibeschutz even though he knew him to be a heretic, he actually lobbied the rabbis of eastern Poland on Eibeschutz's behalf, blocking moves that were afoot to formally condemn Eibeschutz.

This letter incidentally reveals to us the impressive extent of Landau's influence, for he was able to persuade the rabbi of Lvov, his old opponent Hayim Kohen Rapoport, as well as his powerful cousins, Hayim Landau and Berish Babad of Brody, not to publicly condemn Eibeschutz because such a move would hurt his, Ezekiel Landau's, chances to secure the Prague rabbinate. Indeed, Falk wonders in his letter how Ezekiel Landau could wield such influence that he could persuade prominent rabbis to neglect their plain duty.

Falk's letter also reveals that Eibeschutz very actively supported Ezekiel Landau's candidacy, something which must have been coordinated in one fashion or another with Landau himself. The charge that Landau dissuaded the rabbi of Lvov and the other rabbis of the area not to condemn Eibeschutz would be repeated by Emden in his *Petah Eynayim*. No wonder Emden

⁷⁰⁸ *Petah Eynayim* 13b-14a; Leiman, 191.

and his followers were so outraged. No wonder they charged Landau with selling his soul for the post of Chief Rabbi of Prague.

Was there truth to these charges? It is a fact that Ezekiel Landau was elected Chief Rabbi of Prague in late 1754, and that a *Ktav Rabbanut*, an official letter informing him of his election in ornate language and signed by the leading citizens of the Jewish community of Prague, was sent to him in December of that year.⁷⁰⁹ In other words, Ezekiel Landau was formally elected by the voters of Prague about two years after his intervention in the Eibenschutz controversy on the side of Eibenschutz, as we shall describe presently. There is no question that Landau's stand in the controversy was a most important, if not decisive, factor in his election by an electorate that was mostly very pro-Eibenschutz. Three years previously, the Jewish community of Prague had elected another man, Aryeh Leib Loewenstamm of Amsterdam, as Chief Rabbi, but had subsequently cancelled the appointment when they became aware of Aryeh Leib's pronounced anti-Eibenschutz stance. Indeed, Aryeh Leib, married to Emden's sister, was one of the three leading rabbinical opponents of Eibenschutz mentioned above, and in 1752, leading members of the Prague rabbinical establishment wrote him a blistering letter denouncing his opposition to Eibenschutz as unfounded, outrageous, and motivated by jealousy and other unworthy feelings. This letter was accorded a prominent place in the pro-Eibenschutz testimonial collection, *Luhot Edut*.⁷¹⁰ There can be no question that had Ezekiel Landau denounced Eibenschutz or adhered to the anti-Eibenschutz camp in a public way, he would not have been elected Chief Rabbi of Prague. Although no record of the negotiations leading up to his election has survived, such negotiations obviously took place sometime during 1752-4, the height of the controversy. Landau's pronouncement in favor of Eibenschutz (see below) cannot have failed to have a positive

⁷⁰⁹ The *Ktav Rabbanut* is published in Kamelhar, *Mofet ha-Dor*, 17-21.

impact on these negotiations, which culminated in his election. Therefore, Emden's charges that Ezekiel Landau bought his office, not with money but with principle, did not seem unreasonable or lacking in foundation. On the contrary, no biographer of Landau's, including the hagiographic ones, hesitates to state that Landau's pro-Eibeschutz stand helped secure him the election. If, in fact, Ezekiel Landau privately believed Eibeschutz to be a Sabbatian, as we shall see below, then Emden's charges seem accurate: Ezekiel Landau knowingly defended a Sabbatian for careerist motives.

And yet, although all biographers and historians agree that the election was influenced in an important fashion by his deliberately adopted pro-Eibeschutz stand, they do not subscribe to Emden's characterization of Ezekiel Landau as a careerist. They all view the position he adopted in the Eibeschutz controversy as arising from far deeper motives than the mere desire to curry favor with the Prague electors. These motives were described by Landau in a controversial public statement he issued in the summer of 1752, to which we now turn.

As we have seen, the German rabbis opposed to Eibeschutz had in the summer of 1751 condemned the amulets as heretical without explicitly mentioning the name of the author of those amulets. The rabbi of Frankfurt, Jacob Joshua Falk, the most prestigious rabbi in the anti-Eibeschutz camp, had already written separately to the *kehilah* authorities of Eibeschutz's community, Altona-Hamburg-Wandsbek, warning them that if their rabbi did not confess and recant, he, Falk, would publicly expose Eibeschutz as a heretic (6 Elul, 5511 = August 24, 1751)⁷¹¹. It was soon clear that Eibeschutz would not oblige his opponents with a confession, an unrealistic demand in the first place. Turning up the heat, Falk and his colleagues published a joint declaration just before Yom Kippur (September 28, 1751) declaring that they had examined

⁷¹⁰ 9a-11a.

the amulets and deciphered them, and that the amulets were clearly Sabbatian. Again, they named no names, although it was clear to whom they were referring. For its part, the *Kehilah* of Altona-Hamburg-Wandsbek stood by its rabbi and in December, immediately after Hanukah, sent Falk a blistering reply, contemptuously rejecting the charges and the demands for a trial.⁷¹² Falk had no intention of backing off, and five weeks later he published an addendum to the pre-Yom Kippur proclamation he had issued together with the rabbis of Metz and Amsterdam. In this addendum Falk declared that he was prepared to offer Eibeschutz one last chance. Either Eibeschutz would agree in writing (ימלא את ידיו בכתב קונפרומיס) to submit his case to a rabbinical tribunal within two months or Falk and his colleagues would go public and name Eibeschutz as a Sabbatian along with the damning evidence. Falk declared that in that case they would not hesitate to formally excommunicate Eibeschutz, which would in effect depose him from his rabbinate, an unprecedented threat which would place Eibeschutz in an unprecedentedly complicated and uncomfortable situation, for his *Kehilah* would be called upon to remove him from office on grounds of heresy.⁷¹³

Eibeschutz would not confess, so the opposition made good its threat and published a book *Sefat Emet*, "Truthful Speech," in the spring of 1752. The book named Eibeschutz as the author of the amulets. The text of the amulets was published and decoded to reveal Sabbatian prayers. The code did not seem too complicated and could be deciphered without much difficulty by any competent scholar. In addition, the Emdenite correspondence was published, revealing to the public how leading German rabbis were convinced that Eibeschutz was a Sabbatian, and that the amulets had not been doctored, as Eibeschutz had charged. Eibeschutz was excommunicated

⁷¹¹ *Sefat Emet* (Lvov, 1870) 21b-22a.

⁷¹² *Luhot Edut*, 18a-19.

⁷¹³ *Sefat Emet*, 9b-10a.

in published writing by Emden and the communal rabbis of Frankfurt, Metz, and Amsterdam, as a heretic. The community of Altona-Hamburg-Wandsbek was all but called upon to depose Eibeschutz.⁷¹⁴

Eibeschutz had no intention of just sitting there and taking it. Within weeks of the publication of *Sefat Emet*, Eibeschutz's supporters in Prague, a who's-who of the city's rabbinical and communal establishment, sent two blistering letters to Rabbi Falk of Frankfurt and to Rabbi Aryeh Leib of Amsterdam, accusing the two of personal enmity towards Eibeschutz, enmity which was disguised as honest religious zeal. They challenged the right of the rabbis to impugn a leading rabbinical scholar. They especially challenged their authority to depose or to try to depose a sitting communal rabbi of an independent community not legally subject to their jurisdiction.⁷¹⁵ Around this time, a statement in support of Eibeschutz was issued by the rabbinate of Constantinople.⁷¹⁶ These were the beginnings of a wave of public statements in support of Eibeschutz, who hoped, by demonstrating the broad support he enjoyed, to brand his opponents as a cantankerous minority, whose pronouncements of condemnation deserved no attention.

The Letter of 1752

It was in this context and at this time that Ezekiel Landau, communal rabbi of Yampol, issued his own public statement concerning the controversy. The key word here is public, for as we have seen, he had previously written privately to Falk and the other Emdenite rabbis begging

⁷¹⁴ *Sefat Emet* (Altona, 1752), הקדמה ("Forward") (No pagination).

⁷¹⁵ *Luhot Edut*, 6b-8b, 9a-11a.

⁷¹⁶ *Ibid.*, 40a-41a.

them not to publicize Eibeschutz's heresy lest it give aid and comfort to other heretics and damage rabbinical Judaism by scandal. It is remarkable that a relatively young rabbi (thirty-eight years old) from a relatively distant region should intervene in a quarrel between rabbis in Germany quite senior to him in age and reputation. After all, Eibeschutz and Falk were considered the pre-eminent Talmudists of the day. They were at the peaks of their careers and reputations, which were built upon solid achievement in the rabbinates of large and important communities as well as in published scholarship. In 1752 Ezekiel Landau could lay no similar claim to consideration. He was a young man of promise, unpublished, stuck in a small eastern Polish town of no special importance; that was all. Who was he to write to men like Falk or Emden, where did he get the *hutzpah* to urge *them* to allow Eibeschutz to remain at his post even if he was a heretic?

Jacob Emden was sure he knew the answer to this question. In his writings Jacob Emden constantly complained that Ezekiel Landau was an unqualified nobody daring to poke his nose into the quarrels of his betters. To Emden this uniquely cheeky attitude could only be explained by the fact that he was a Landau, a family notorious for thriving on strife. Ezekiel had inherited from his parents and uncles an unhealthy disposition to love quarrels and to fish in muddy waters. In addition, Landau was a candidate for the Prague rabbinate and was playing to the gallery of public opinion, particularly the opinion of the Prague electors. Landau's subsequent election confirmed to the Emdenites that such had been his strategy.⁷¹⁷

At the time he wrote his letter, Ezekiel Landau was stuck in far-off Yampol, many weeks behind on the latest news from Germany. He was thus not aware that Emden and Falk had

⁷¹⁷ Emden's comments appear repeatedly throughout *Petah Einayim*, as well as in Emden's other polemical works.

published the *Sefat Emet* publicly branding Eibeschutz.⁷¹⁸ Nevertheless, there is merit to the Emdenite argument, for why else *did* Landau involve himself so prominently in this controversy, which was fought between rabbis senior to him in age, prestige, and scholarship?

And yet, it is not so simple. Ezekiel Landau, as we have seen, was possessed of a very active and energetic personality. He had been trained to a life, not merely of constant study and intense intellectuality, but of zestful intellectual combat with students and peers, and a life of active communal involvement. Had he been cut out for the life of a garret scholar he would not have become a *dayan* at the age of twenty; nor would he have involved himself so prominently in the scandal in Brody of Mrs. Bernstein. His activities as *Nesi Eretz Yisrael*, his correspondence with the Ottoman Empire, his interventions in *agunah* cases not in his own bailiwick, all indicate a person who required a large field of activity wherein to put his talents to use, a person who was bursting with energy and probably frustrated with the small town that Yampol was, with the small horizons it offered a person of his caliber. While he was not a quarrelsome person as the other Landaus appear to have been, while he was by nature a conciliator, he was no wallflower. He yearned to play a large role, a constructive one to be sure, but an active role. And he succeeded, for Ezekiel Landau's international reputation really dates from his intervention in the controversy, especially his letters. The first, as we have seen, was addressed to the principals and was not intended for publication, merely for circulation among the great rabbis. The second letter *was* meant for publication, and it was publicized. It gained him an international reputation, a positive reputation among the broad Jewish public, a reputation for statesmanship. Let us examine this episode in detail.

⁷¹⁸See below.

First, we must consider the timing of the letter, a matter of crucial importance. The letter was composed in the spring of 1752, around the time of the publication of the *Sefat Emet* by the Emdenites in which Eibeschutz was explicitly named and excommunicated and the text of the amulets and their decoding published for the first time. It is important to keep in mind that Landau was not aware of the publication of the *Sefat Emet* and the damning evidence of the amulets it contained. He would eventually have to modify, or, more accurately, amplify, his remarks after he read the *Sefat Emet*.

Landau crafted the statement carefully to faithfully reflect the ambiguity of the situation and the ambiguity of his own feelings. Although the net effect of the letter was pro-Eibeschutz, it was an exquisitely nuanced and qualified statement of support. Precisely because it did reflect conflicting emotions, so unlike the black-and-white statements of all-out support and absolute condemnation issued by the partisans of both sides, the letter touched a nerve of the general public, which seems to have been similarly conflicted. The letter was certainly more commented upon than the numerous other letters exchanged in the course of the controversy, and, unlike the other letters, it provoked an unusually lengthy, vehement and vituperative response from Emden, which confirms the singular impression the letter made.

The very text of the letter is a matter of controversy. The original has not survived. Eibeschutz included a copy of the letter in his *Luhot Edut*, the collection of testimonials he published in the summer of 1755.⁷¹⁹ Within the following twelve months Emden published two responses to the *Luhot Edut*. One work was entitled *Shevirat Luhot Ha'aven*, "The Shattering of the Tablets of Iniquity;" the very title a literary retort to Eibeschutz's "Tablets of Testimony." In this work Emden systematically refuted the testimonials contained in *Luhot Edut*, charging the

⁷¹⁹41b-43a.

authors of the testimonials with ignorance of the facts or complicity with Sabbatianism. In addition, Emden charged that Eibenschutz had doctored and indeed forged many of the testimonials. The second work, a kind of appendix to the first, was called *Petah Einayim*, "Eye-Opener." It contained the text of Ezekiel Landau's letter with a critical and bitterly sarcastic line-by-line commentary by Emden in parentheses which punctuate the text of the letter. The text of Landau's letter in *Petah Einayim* is significantly longer than that in *Luhot Edut*, which enables us to see how Eibenschutz edited Landau's letter for publication in his collection of testimonials.⁷²⁰ A third version of the letter survives in *Gahalei Esh*, "Coals of Fire," a manuscript collection of letters and documents of the Emden-Eibenschutz controversy assembled by one of Emden's followers, Joseph Prager. There are a few differences between Prager's version and Emden's, but they are not significant.⁷²¹

The letter has never been subject to a detailed analysis. It merits one.

⁷²⁰ In his editorial introduction of Ezekiel Landau's letter, Eibenschutz cleverly acknowledged that he had not included the entire text, but attributed the omissions to Landau's prolixity: "In his eloquent rhetorical style, full of fine allusions and subtleties, [Landau] was quite prolix. In order not to tire the reader and in order to save money we have only included those parts of the letter which are relevant to the matter at hand." (והוא בצחות לשונו ורב המליצה הרחיב הדבור במגילה עפה ארוכה) ולא למאוד, אופן בתוך אופן, מראה פנים לכל צד. וכדי שלא ילאה הקורא לעיין בו, וגם למעט בהוצאת הדפוס, לא העתקנו (רק הצריך לנדון הלזה בכל פרטי ענינו). In this manner Eibenschutz was able to omit those parts of Landau's letter that were particularly unflattering. Emden, of course, had a field day pointing out precisely those omitted parts as proof of Eibenschutz's intellectual dishonesty. On the other hand, Eibenschutz did include Landau's remarks to the effect that the amulets seemed Sabbatian, at least superficially (see below). In his editorial introduction, Eibenschutz sought to remove the sting of these remarks by explaining: "You should be aware of the fact that [Landau] wrote his letter before he received a communication from his uncle Yitzhak Landau, rabbi of Cracow, wherein Yitzhak explained [the non-heretical nature of] the amulets at length." (ידוע תדע כי זהו כתב טרם) (שהגיע לידו של דודו הגאון הגדול מהר"י לנדא אב בית דין דק"ק קראקא פירושם על הקמיעות באריכות). The point of these last remarks of Eibenschutz's, of course, is that once Ezekiel Landau heard a correct interpretation of the amulets he realized that they were in no way heretical. This is quite untrue, as I point out in the following pages.

⁷²¹ Joseph Prager, *Sefer Gahalei Esh*, Bodleian Library, Ms. 2189, photostat volume privately published by B. Ogorek, New York, 1999. Landau's letter is in part two of the manuscript, 118a-133a.

The letter is extremely valuable, not only for the biographer of Ezekiel Landau, but for the historian of rabbinism, because it fascinatingly reflects the *mentalite'* of the rabbinic elite, the core values of the first-rank Talmudic scholars of the pre-modern era. Indeed, it is precisely for this reason that the letter so resonated with the learned public. Ezekiel Landau gave eloquent voice to what so many great scholars were feeling, namely, that the controversy itself was causing more damage to rabbinic Judaism than the facts of the case. The public scandal was worse than Eibeschutz's alleged heresy, as long as Eibeschutz denied that he was a Sabbatian. To Ezekiel Landau the damage lay in the removal to the public domain of what ought to be an in-house matter, confined to the rabbinic world of the great communal rabbis and other leading scholars. Pro and anti Eibeschutz factions had formed among the public, and this "democratization" of the conflict was its most deplorable aspect. Landau feared that the public would become accustomed to judging and weighing the character and reputation of Eibeschutz, Emden, and the other great rabbis involved in the controversy. This the public ought not to do, for it inevitably leads to a reduction in the esteem in which the elite is held. To Landau and those like him, Jewish survival, the survival of Judaism properly organized, depends upon the maintenance of a hierarchy whose highest rungs are occupied by the greatest scholars. Not for nothing did Landau make reference to the famous Talmudic passage (*Hagigah* 14a) which declared that of all the curses and maledictions found in the Book of Isaiah, the worst was the prophecy (*Isaiah* 3:5) of the inversion of the proper social hierarchy, that "the child shall behave insolently against the elder, and the base against the honorable." Landau warned that if the mutual recriminations between the principals in the controversy would lead to public involvement in these sensitive issues, the rhetoric of the scandalmongers and excommunicators would cause the public to lose confidence in the rabbinic leaders as role models, which would in

turn result in a decrease in the study of the Torah, which is a vital necessity for Jewish survival:

"If rumors will now float to the effect that the great rabbis are not as perfect as angels, the young men will no longer flock to them to study. As a result the Torah will be forgotten in Israel, and the yeshivot will be empty. Such a prospect fills me with dread."⁷²²

A key feature of the letter is its careful distinction between the principals, all of whom were first-rank scholars and therefore entitled to esteem and respect, and their followers, the students and partisans of the principals, pygmies who had no business expressing an opinion about their betters. Give this distinction, one can believe the horror and indignation Landau expresses at the actions of Eibeschutz's partisans in Lublin who excommunicated Emden, Falk, and Aryeh Leib of Amsterdam. The facts of the case of the amulets are of less consequence than the impudence displayed by these men of inferior learning in daring to condemn men who were recognized as the leading scholars of the generation. Nowhere is this distinction drawn more clearly than in Landau's discussion of the Lublin ban. How can anyone ban or excommunicate Emden and his followers for condemning Eibeschutz, he asks. These men may be mistaken in their assessment of Eibeschutz as a Sabbatian, but it is an honest mistake. If a great scholar is genuinely convinced on the basis of the amulets that a colleague is a heretic, it is perfectly understandable that he should attack him and seek to remove him from office. There exist no halakhic grounds for banning Emden for this. All one can say is that Emden is mistaken, that he has no clear evidence to prove his charges, that he is carried away by misguided zeal. One cannot charge Emden with an act deserving of excommunication. Then in the next breath Landau goes

722 ואם עתה על גדוליהם תעבור הרנה במחנה לאמור הרב אינו דומה למלאך ה' צבאות ולא יבקשו תורה מפיהו...הלא זה גורמים לתורה שתשתכח מישראל, והישיבות יהיו כאילים לא מצאו מרעה. על זה מלאתי חלחלה ורתת. *Petah Einayim*, 2a-3b; *Gahalei Esh*, 120. Interestingly, this entire section is omitted by Eibeschutz, even though it does not contain anything critical of him.

on to qualify this argument. Had Eibeschutz himself excommunicated Emden, that would have been a different matter. After all, if a great man like Eibeschutz had seen fit to issue such a ban, we would have to assume that there was a good reason for it. Even if not, such an act would have been excusable as a natural emotional reaction to Emden's attacks upon his character. But for mere partisans to issue bans is inexcusable. Significantly, Landau criticizes the excommunicators for failing to take into account not merely the great scholarship of the leading Emdenites, but their distinguished rabbinic ancestry as well, which in and of itself entitled them to special consideration.⁷²³

Having expressed his general views on the negative consequences of the controversy, Landau went on to offer what he considered a face-saving compromise that ought to be acceptable to both sides, and which would end the controversy honorably. In suggesting his compromise, Landau resorted to halakhic terminology, adopting the tone and indeed the discourse of a rabbinic judge outlining a *pesharah*, a judicially arbitrated compromise which splits the difference between two opposing litigants. It was precisely the adoption of such a discourse, as if he were writing a responsum after his opinion had been solicited by both sides, that so outraged Emden, who neither respected him nor desired his opinion. "Why does he interfere in a quarrel that is not his?...Who asked his opinion?...Shall a contemptible little fox come and tear down protective walls erected by the great men of Israel?...Would that you had been struck dumb, you imbecile of an advocate!...By injecting yourself into foreign quarrels you

⁷²³ Petah והאנשים האלה לא שמו לבם לכבוד תורתו של הגאון הנ"ל ולקדושת יחוּסו. אין זה אלא חלי ולב רע. 723 Einayim, 3a; Gahalei Eish, 120a-122a.

are following in the footsteps of your fathers, skilled shooters of arrows of discord and notorious fomenters of strife!"⁷²⁴

Landau opened by sternly if formulaically declaring that he would show favoritism to neither side but would be guided by the judicial rule that a man is innocent until proven guilty and that a defendant is entitled to the benefit of the doubt.⁷²⁵ Acting upon these juridical principles Landau went on to make the remarkable declaration that the amulets certainly seemed to him to be Sabbatian. "If not for the fact that they were written by the illustrious gaon Rabbi Jonathan, I would conclude that the author was [a Sabbatian]."⁷²⁶ However, Landau continued, they *had* been composed by such an eminent scholar, and it *is* a fundamental legal rule that any person is entitled to a presumption of innocence (חזקת כשרות), and writing suspicious amulets is not legal proof that a person actually subscribes to heretical beliefs. In general it is impossible to legally ascertain what a person is thinking or what he actually believes."⁷²⁷ In other words, there is a world of difference between what one personally thinks Eibeschutz's beliefs are and what is legally provable in court. Public officials cannot be removed without legal proof.

Continuing his judicial rhetoric, Landau pointed out that it was impossible to legally prove that the amulets had not been tampered with unless there was credible testimony to the effect that literally no one other than the original recipients had handled the amulets from the

⁷²⁴ למה נתעבר על ריב לא לו? מי בקש זאת ממנו? היעה שועל קטן כמוך ויפרוץ חומת אבנים אשר גדרו גדר על בית ישראל? מוטב היית אלם וגדם אתה המליץ הטיפש. אתה הנכנס בתגר שאינו שלך כמעשה אבותיך בעלי חצים מרי Petah Einayim, 1b-2b. See also 7a: "Who asked you to be a judge or an arbitrator? Who revealed to you the secrets of the Torah. Most of all, who gave you permission to speak in the presence of your betters?!"

⁷²⁵ לא אשא פני גבר אם כגובה ארזים גבהו וראשו לעב יגיע. רק מה שיהיה באפשר לדון לכף זכות אהבתי בדק Luhot Edut, 42a; Petah Einayim, 4a; Gahalei Esh, 123a.

⁷²⁶ אי לאו חזקת כשרות של הגאון המופלא המפורסם מיור"ר יהונתן... הייתי גוזר ואומר כי הכותבן נלכד ברשת Ibid. צבי מודה.

⁷²⁷ כל זה לחששא בעלמא. אבל להחזיקו בודאי ובבירור מי יוכל לדון דברים שבלב. Ibid.

time they were issued until the time they reached the hands of the Emdenite courts. Practically speaking, this was impossible to ascertain, for "can any witness claim that his hand had not departed from the amulets for even a moment? Such a claim is impossible."⁷²⁸ As for the interrogations carried out by the Emdenite courts in Metz and elsewhere, these were legally meaningless inasmuch as Eibeschutz the defendant had not been present at the interrogation, a defect which rendered the interrogation and the testimony legally invalid.

This is certainly a valid halakhic point. However, a decade earlier, in the Brody scandal involving Haya Bernstein who similarly had not been present when the court in Brody had heard testimony concerning her adultery, Ezekiel Landau himself had argued eloquently and with great learning that the absence of the defendant does *not* invalidate the testimony.⁷²⁹ Had Landau changed his mind? Or was his adducing of such an argument in the Eibeschutz case more a rhetorical device than an actual legal argument?

These defects, Landau asserted, would weaken the case against any defendant, and certainly the attempt to remove Eibeschutz from office. Moreover, Eibeschutz was not just anybody. He was a leading Torah scholar, which in and of itself entitled him to special consideration. Here Landau returned to his argument that great scholars of the Torah were a privileged caste and deserved special legal consideration, certainly the benefit of any doubt. Landau grounded this argument for the special legal treatment of scholars in the remarkable Talmudic statement (*Shabbat* 119a) of the Babylonian Jewish judge Rava that whenever a scholar appeared before him in a case he was judging, he, Rava, "would not rest my head upon a

⁷²⁸ כי יאמרו העדים לא זזו הקמיעות מידם מיום נכתבו עד היום הזה? זה מן הנמנע.

⁷²⁹ See the legal arguments adduced to acquit Haya Bernstein in chapter 3 of my dissertation, specifically argument F, that "the accused had not been present at the taking of the testimony of the witnesses. Such a flaw renders the testimony unacceptable." And see Landau's refutation of this argument in *Noda BiYhudah Even ha-Ezer I*, 72, in the section entitled סתירת היתר הרביעי.

pillow until I have tried to find some way to uncover the merits of his case," that is, to see if he could possibly rule in his favor. This policy is included in the law code, the *Shulkhan Arukh* (*Hoshen Mishpat* 15:1). Thus, Talmudic law itself sanctions a court's making every effort to exculpate a scholar, certainly a scholar of the preeminent stature of Eibeschutz. And Eibeschutz's stature was indeed remarkable, Landau asserted. Whatever charges were leveled against him, it *was* a known fact that the man was a member of the rabbinic elite in the highest sense of the term. He *had* spent his entire life, literally his entire career, in the study and the teaching of the Torah to many students, very successfully, too.⁷³⁰ It was inconceivable that a man whose public life was so distinguished in the service of true Judaism should stoop to low heresy. God would not allow such a thing to happen.

This argument reflects the rabbinic view of Sabbatians as ignoramuses, persons whose resort to heresy was connected to their lack of any real understanding of the Torah. To the rabbis, Sabbatianism was a movement not merely of scoundrels, but of men who had not "made it" in the world of Talmudic/halakhic scholarship, men who dabbled in Kabbalah but whose understanding of it was flawed by their weakness in Talmud and pilpul. This could not be said about Eibeschutz. He simply did not fit the profile of a Sabbatian, and one could not assume he was one without solid non-circumstantial proof.

In addition, Landau pointed out Eibeschutz's deserved reputation for piety and his role as the leading preacher of the age. The man has spent a career disseminating religious orthodoxy from the pulpit, again very successfully. "Who is there in this generation who knows how to admonish as he does? I have it on trustworthy testimony that with the very breath of his mouth

⁷³⁰ לא פסקה ישיבה ממנו, זכה וזיכה את הרבים.

he causes the wicked to despise [their sins]."⁷³¹ How could it be imagined that a person responsible for leading so many sinners to repent was himself a sinner? How could so much good come from a hypocrite?

Finally, Landau pointed out that Eibeschutz had taught and guided thousands of students, many of whom had attained prominence as scholars and as pious Jews. Many had succeeded to rabbinical and communal posts throughout Eastern and Central Europe. They were part of the very warp and woof of contemporary Judaism, a significant portion of the world of Torah scholarship and communal leadership, men whose lives gave no hint of heresy. It was inconceivable that all of these persons should now be placed under a ban or even under suspicion because of their teacher. Such an effort would be disastrous, would tear European Jewry in two. And yet, if Eibeschutz was publicly condemned as a heretic, how could his students *not* come under a ban or some similar measure? "It is inconceivable that the students should be in heaven while the teacher who taught them Torah should be in hell. Inconceivable! Under no circumstances whatsoever is he to be suspected [of heresy]."⁷³²

Such, then, was Ezekiel Landau's defense of Eibeschutz. It was a legalistic defense. It argued that the case against Eibeschutz was not strong enough to convict. It was also a defense frankly based on what he perceived to be Judaism's thoughtful religious and political self-interest. A man whose public life was so exemplary, who was a *gadol ba-Torah*, a first-rank rabbinic scholar, communal rabbi, *rosh yeshiva*, and pietistic preacher, could not be a heretic because if he were, the consequences would be too horrific to contemplate. It was in the interest

731 רשע דרכו. מי בדור כמותו להוכיח יודע? וכאשר ספרו לי אנשי אמת כי ברוח פיו ימאס

732 חלילה וחלילה שיהיו התלמידים בגן עדן והרב בגיהנום. חס ושלום להעלות על הלב להרהר אחריו כלל וכלל בשום פנים.

of the Jewish people that Eibenschutz not be a heretic, and since Eibenschutz was vigorously denying that he was one, it was in the public interest that he be believed.

Obviously, this was not a ringing defense of Eibenschutz's innocence. On the contrary, Landau had agreed that the amulets seemed Sabbatian: "With all the praise I have for the gaon, I will not deny that, try as I might, I cannot interpret them in a non-Sabbatian sense."⁷³³ But as long as it was possible to maintain the thesis that the amulets *might* have a different interpretation as Eibenschutz was insisting, it was better for everyone to believe him and to let the matter go.

Ezekiel Landau's stand resonated with the rabbinic world precisely because it rested squarely within a rabbinic tradition in which public scandal was in a sense worse than private heresy. Rabbinic Judaism teaches that there is a hierarchy of good and bad deeds; some *mitzvot* (good deeds) are better than others, some *aveirot* (bad deeds) worse than others. The greatest good deed is *Kiddush Hashem*, "sanctification of God's name," synonymous with any action that causes people, Jews and especially non-Jews, to think favorably about God, His people, and their religion. The very worst sin is *Hillul Hashem*, "desecration of God's name," any action which causes people to think unfavorably about God, Jews, or Judaism.⁷³⁴ To rabbinic Jews of Ezekiel Landau's day, the greatest *Hillul Hashem* within memory had been the Sabbetai Zvi episode of the 1660s, when almost all of Jewry had endorsed the messianic claims of a man who was exposed in the end as a fraud. The shame and humiliation to which the Jews had been subjected had been excruciating; after all, the long-standing smug Jewish rejection of the dominant Christian and Moslem religions was based on Jewish claims to superior knowledge of

⁷³³ הקמיעות הללו האמת אגיד ולא אכחד שעם כל השבח של הגאון המופלא המפורסם יגעתי לדורשן ולפותרן באופן אחר שלא יהיה נוטים להבלי השוטים הללו ולא מצאתי.

messianism, claims which seemed silly in light of the Sabbetai Zvi fiasco. The Sabbatian movement which continued into the following century was an extension of this highly embarrassing phenomenon. If the foremost Talmudist and pilpulist of the mid-eighteenth century should turn out to be a Sabbatian, the Jewish religion would once again be pilloried as foolish and contemptible, and the rabbis in particular would be laughingstocks. Had Eibeschutz come out and publicly proclaimed Sabbatianism, that would have been a different matter. Rabbinic Jews would have no choice but to swallow the bitter pill and acknowledge the fact and the *Hillul Hashem* that had occurred; they would have no choice but to endure the storm of public ridicule and excommunicate Eibeschutz. But Eibeschutz was not professing heresy. On the contrary, he was loudly proclaiming his allegiance to rabbinic Judaism and his rejection of heresy. If he was lying in his heart, God would deal with him appropriately, and if he secretly influenced a few individual students to follow Sabbatianism, better keep the matter out of the press and the public domain.⁷³⁵

Having established that Eibeschutz's honor and dignity were to be upheld and that he was to be taken at his word, Landau turned to the question of the amulets. Emden and his colleagues had declared the amulets to be Sabbatian; on that basis they had declared Eibeschutz, the author of those amulets, a Sabbatian. Although Eibeschutz had offered a non-Sabbatian interpretation of the amulets, the Emdenites rejected the interpretation as forced and false. This was a tricky issue. Ezekiel Landau also thought the amulets were Sabbatian or at least seemed so. The difference

⁷³⁴ For the history of this concept, see Jacob Katz, *Exclusiveness and Tolerance*, (Oxford, 1961), 60-63.

⁷³⁵ By his own admission Emden himself had remained silent about Eibeschutz's heretical writings back in 1725: "I did not see publicity as a remedy for the matter, and I thought, 'Silence is fitting.'" *Torat ha-Kana'ut* (Lvov), 86. Such an admission is interesting in light of Emden's vehement criticism of Ezekiel Landau's effort to do the same thing in the controversy of 1751-2!

between Landau and the Emdenites was that he was willing to accept Eibeschutz's interpretation, far-fetched as he admitted it seemed to him. It could not be denied, however, that there was a basis for Emden's charges. All one could say was that Emden was mistaken in spite of the evidence. The point was that Emden, like Eibeschutz, was not to be criticized. The honor and dignity of Emden and his colleagues was not to be impugned, nor was their judgment or their ability to decipher the amulets.⁷³⁶ Indeed the amulets themselves, even if they were not Sabbatian in terms of authorial intent, were dangerous because they so easily lent themselves to Sabbatian interpretation. Accordingly, Landau proposed that the amulets be withdrawn from circulation and buried in an unknown spot, either by their owners or by Eibeschutz himself. No one, not even the rabbinical courts, was to read or examine them.⁷³⁷ In other words, all physical trace of the amulets was to disappear. Hopefully this would lead to the disappearance of all discussion of them. The matter would "go away."

Ezekiel Landau was treading a fine line here, and he knew it. He was trying to ensure that both sides could withdraw from the fight with honor. The Emdenites could take comfort in the acknowledgement that they had acted correctly based on the evidence; it was just that they ought to have given credence, at least officially, to Eibeschutz's explanations, even if far-fetched, because he was entitled as a Torah scholar to be taken at his word. But essentially they had acted correctly when faced with what certainly did seem like Sabbatianism. For his part, Eibeschutz could take comfort from Landau's letter in the very fact that his word was to be accepted, although he was not to blame the Emdenites for reading heresy in his carelessly written amulets

For other examples of this rabbinic attitude in the context of earlier Sabbatian controversies, see Carlebach, 76-80.

⁷³⁶ *Petah Einayim* 5b; *Gahalei Esh*, 126b-127a. Not surprisingly, this section of the letter, which called upon Eibeschutz's followers to refrain from attacking Emden, is omitted from the text of the letter published in *Luhot Edut*.

and reaching certain conclusions. The letter offered what Landau considered a happy solution; everyone was right!

As for the suppression and burial of the amulets, although this did seem to give credence to the Emdenite position, Ezekiel Landau, in good responsa fashion, was able to cite solid Talmudic precedent. The Talmud relates that there had been a movement to suppress the Biblical book of Ezekiel, to remove it from the canon and withdraw it from public circulation, indeed, to bury all copies. Why? Because certain laws in the book contradicted laws found in the Pentateuch. The movement would have been successful, the Talmud relates, if not for the efforts of one man, Hananiah ben Hezekiah, who undertook, not without difficulty, to reconcile the two texts to the satisfaction of the sages. As a result, the book of Ezekiel survived.⁷³⁸

To Ezekiel Landau, this was an exact precedent. Those who had opposed the Book of Ezekiel did not deny that the Biblical Ezekiel had been a genuine prophet of God, a holy man whose book contained genuine prophecies communicated to him by God. The contents of the book were not false or heretical; after all, they *were* eventually included in the Biblical canon. Rather, the contents were misleading. One who read the book of Ezekiel could conclude that its contents contradicted the Pentateuch even though they really did not, could not, do so, for the prophet Ezekiel was merely stating what God had told him, and God never contradicts himself. The point is that in spite of the fact that the Talmudic sages knew for certain that the book of Ezekiel contained nothing objectionable but was on the contrary genuine and holy, they nevertheless were prepared to suppress the book out of other considerations, namely, that the general public would misunderstand the book and draw theologically incorrect and dangerous

⁷³⁷ *Petah Einayim*, 5a.

⁷³⁸ *Shabbat* 13b, see commentary of *Ran*, (Nissim of Gerona): "The rabbis would have ruled that it should be withdrawn from Scripture and all extant copies should be hidden."

conclusions. From the point of view of the possible effect on the average reader, the book was poorly, dangerously, written.

Ezekiel Landau drew a parallel between the book of Ezekiel and Eibeschutz's amulets. If a book of sacred scripture could be withdrawn, erased, because of its dangerous effects, then certainly the amulets written by an eighteenth century rabbi. The suppression of the amulets did not cast any aspersion on the orthodoxy of Eibeschutz any more than the suppression of *Ezekiel* cast aspersion upon that prophet, whose status was universally acknowledged within Judaism. It *was* possible to distinguish between a man and his writings. Accordingly, Ezekiel Landau proceeded to issue his own *herem* or ban, not on Eibeschutz or Emden, but on anyone who owned one of the amulets and failed to hand them over to the local communal rabbinical court or to Eibeschutz himself, who was called upon to bury them in some hidden spot so that they might not be unearthed. "I know full well that the *gaon* Rabbi Jonathan will be angry at my verdict. But what can I do? I will not flatter him or anyone else. I love truth alone. The truth is that I am doing [Eibeschutz] a favor by removing a stumbling block from the public. Even if the amulets are innocent and holy, they are a snare for the Jewish people."⁷³⁹ That "stumbling block" indeed preoccupied Ezekiel Landau and the other rabbis. Landau was referring to the Sabbatians, whose dangerous presence hovered in the background of everything Landau wrote, as he made clear in his defense of his proposal to bury the amulets. As he explained,

ידעתי גם ידעתי שיחרר מאוד בעיני הגאון ר' יהונתן על משפטי הזה. ומה אעשה? לפני חנף לא יבא והאמת אהוב מן הכל. ודטבה ליה עבידנא ליה להסיר המכשול מקרב העם, כי אף אם שהקמיעות טהורים ואין בהן נפתול ועקש רק קדש. ולטבה ליה עבידנא ליה להסיר המכשול מקרב העם, כי אף אם שהקמיעות טהורים ואין בהן נפתול ועקש רק קדש. *Luhot Edut*, 42a-b. Here, too, there is some subtle editing by Eibeschutz. In *Petah Einayim* 5a the text reads: כי אף שאפשר שהקמיעות טהורים: that it is *possible* that the amulets are pure, while the text in *Luhot Edut* deletes the word *possible*.

The Sabbatians claim, 'We have a great rabbi supporting us,' and they use this to mislead multitudes. We know that ever since this plague [of Sabbatianism] began to spread in our region, in many places in Pakotia and Podolia, they have cast off the yoke of the Torah and turned the words of the living God upside down...All that is [halakhically] required they regard as prohibited, all that is most stringently prohibited they regard as positively required and meritorious, especially all that is sexually prohibited...Woe to the ears that hear people dare to [commit sins and justify them by claiming that they do so with the appropriate kabbalistic] *kavanot*, intentions.⁷⁴⁰ They claim, 'Do we not have great men who justify us?' They do not listen to what we tell them. They claim, '"The great scholar so-and-so has pronounced clean that which is unclean and vice versa. He is a great man in Torah, the man who bears an amulet on his arm!"'⁷⁴¹

Underlying this analysis was Landau's perception that the ideological strength of rabbinism lay in its claim to traditional authority. Traditionally, Jews had perceived the rabbis and Torah scholars as possessors of legitimate religious authority among the Jewish people. Appeal to authority as in classical scholasticism was alive and well in that era, and in any contest between the rabbinical Jews and the Sabbatians the former could appeal to rabbinical authorities who condemned Sabbatianism as reprehensible heresy. There was no way the Sabbatians could counter this argument unless they had a reputable rabbinic authority of their own. This they now claimed to have. If a rabbinic Jew criticized a Sabbatian for antinomian behavior, all the latter had to do was cite some reputable rabbinical scholar who sanctioned the behavior; the rabbinate would be trumped, for he could no longer claim that the behavior was outside the wide boundaries of halakhic Judaism, which, after all, recognized different norms for Ashkenazim and

⁷⁴⁰ This is, of course, a reference to the classic Sabbatian theological justification for antinomian behavior, see Gerschom Scholem, "Redemption Through Sin," in his *The Messianic Idea in Judaism* (New York, 1971), 70-80.

⁷⁴¹ כי יאמרו "רב לנו, מצאנו תנא דמסייע" ומשאתו יעצו להדיח רבים כאשר בעונותינו הרבים מאז פשתה המספחת בזאת המדינה בהרבה מחוזות פאקטיע ופודוליא פרקו על התורה והפכו דברי אלקים חיים לאמור עולם הפוך ראינו. וכל מצות עשה נתהפכו ללא תעשה וכל הלאוים וחייבי כריתות למצוות עשה יחשבו וכל העריות דומים להם למישור והמה בוכים למשפחות להתיר להם עריות בפרהסיא...אוי לאזנים שכך שומעים, שהם עושים "כוונות" ולהעציב מלכות שמים ואומרים "מבלעדי אנשים וגדלינו אנחנו עושים כונות?" וכל אשר ידברו אליהם בשם ה' אינם שומעים כי אומרים "פלוני החכם טיהר לנו את השרץ וטמא את הצפרדע, והוא גבור חיל בתורה והנה על זרועו קמיע.

Sephardim, variants in custom and law, etc. If Sabbatianism could somehow imbed itself as one of these variants, it could not be condemned as heresy (This, of course, is what later happened to Hasidism).

Who was this great scholar to whose authority the Sabbatians of Poland were appealing? Obviously, it was Jonathan Eibeschutz. Ezekiel Landau was perfectly aware that Eibeschutz was regarded as a Sabbatian not merely by Jacob Emden and his colleagues, but by the Sabbatians themselves. Emden argued that it strained credulity to believe that the Sabbatians looked to Eibeschutz as their leader without Eibeschutz's knowledge or approval. If Eibeschutz disavowed such a role, he could not be taken seriously. To Landau, such a conclusion could not be conceded as long as it was possible to deny it. If Eibeschutz denied connection with the Sabbatians who claimed him as their leader, the letter of the law as well as enlightened self-interest dictated that he be believed in the absence of clear proof to the contrary.

Landau went on to draw upon another precedent from biblical-talmudical lore. King Hezekiah of Judah, Scripture states approvingly, destroyed the copper serpent constructed centuries earlier by Moses at God's command.⁷⁴² By the time of Hezekiah the serpent had degenerated into an idolatrous deity. Now, the copper serpent was originally a good thing; after all, God himself had commanded Moses to construct it. Nevertheless, after Moses' death, it had become something bad, an idol. In destroying the serpent Hezekiah was obviously not casting aspersions on Moses. Similarly, the amulets composed by Jonathan Eibeschutz may have been

⁷⁴² *II Kings* 18:4. See also *Mishna Pesahim* 4:9, which praises Hezekiah for this action. Interestingly, Emden himself cited the same precedent in a book he published sixteen years later in which he criticized the Zohar, pointing out how the text of the Zohar had become corrupted in certain places and was therefore unreliable. Although, Emden wrote, the Zohar was the most sacred of texts and was held to be so by all Israel, nevertheless, it was no better than the copper snake which Hezekiah did not hesitate to destroy when it proved necessary to prevent its

good, free of heresy. Nevertheless, there were grounds to fear that after Jonathan's eventual death the amulets, so easily (mis)interpreted as Sabbatian, would indeed be interpreted as such and serve as a Sabbatian proof-text. It was therefore necessary to destroy or bury them as soon as possible, although such an action was not to be construed as an attack upon Eibeschutz, just as Hezekiah's destruction of the serpent was not to be taken as an attack upon Moses. On the contrary, Eibeschutz's honor was to be strenuously upheld, and there was to be no attempt to discourage students from studying with him.⁷⁴³

In a move that was audacious in a relatively minor rabbi, Landau proceeded to propose, "although I am unworthy," that the rabbinical authorities of the generation should unite to prohibit all criticism of Eibeschutz, particularly denunciations and accusations in gentile courts. More audaciously, Landau declared that "even though I have no business daring to issue decrees outside my jurisdiction and especially in areas where there are rabbis senior to me," nevertheless he was issuing a ban of excommunication on anyone in the entire world (!) who dared to publish anything derogatory about Eibeschutz. Landau also issued a ban of equal force against anyone who should dare criticize or deride Jacob Emden, "to call him vile, disgusting, or heretic, as I have seen in the writings of some foolish persons."⁷⁴⁴ This last ban, not surprisingly, is omitted in Eibeschutz's published version of the letter.

The ban on publishing anti-Eibeschutz material which Ezekiel Landau issued so off-handedly can only mean that he was not aware of the intense literary and publishing activity of Jacob Emden. Indeed, the bulk of Emden's numerous publications on the subject were published after April 1752. However, nothing could be more calculated to inflame Emden, whose only

becoming a "stumbling block" for the Jewish people. Of course, Emden did not mention Ezekiel Landau or his letter. See Jacob Emden, *Mitpahat Sefarim* (Altona, 1768), 2b.

⁷⁴³ *Luhot Edut*, 42b; *Petah Einayim*, 5a; *Gahalei Esh*, 125b-126a.

chance of defeating Eibeschutz was to get his story out into the public arena and create a public agitation for Eibeschutz's removal. "God forbid," thundered Emden, "that anyone let slip the opportunity to do a good deed by publishing [Eibeschutz's wickedness] for all to see. In publishing such works, we protect the Torah, the Tree of Life!"⁷⁴⁵

Even more remarkably, and unprecedentedly, Landau appealed over the heads of the communal rabbis to the *kehilah* authorities to put pressure upon their rabbis to agree to some kind of arbitration which would end the controversy."⁷⁴⁶ "I know full well that in the beginning the controversy arose out of worthy motives, out of the desire to eliminate the phenomenon of [Sabbatian] amulets off the face of the earth. I, myself, ardently joined and supported this cause. Subsequently, however, personal hatred became its most pronounced feature, the desire to strike at the *gaon* [i.e., Eibeschutz]. That is something I cannot view with equanimity. Nor is [Eibeschutz] incapable of fighting back with devastating effect. Therefore, it is better to follow the path I have outlined [and suppress the controversy and all public discussion of it]."⁷⁴⁷

Eibeschutz's Lublin partisans had excommunicated a number of his enemies, especially those in Metz who had come out against him. Apparently this excommunication had caused some stir, for in his letter Ezekiel Landau declared that such powers were the exclusive prerogative of the Chief Rabbi of Metz, Samuel Hillman Heilperin, who happened to be one of Emden's strongest supporters. By this gesture Landau demanded respect for a rabbi with whose public

⁷⁴⁴ לקרותו מנוול מנודה או אפיקורוס, כאשר ראיתי קצת בכתבי הדיוטים.

⁷⁴⁵ וחלילה להם מלהחמיץ המצוה לזכות הרבים להודיע לעשות סייג לתורה לשמור דרך עץ החיים...בדפוס יעשינה *Petah Einayim* 6a. כיון מיד ולדורות.

⁷⁴⁶ ואל שבע קהילות...אני שואל ומבקש ממש בבכי שיעשו דרך בקשה מכל אחד מהצדדים ויבצעו תמימים ויעשו שלום...אבל לא יתנו כח לשום אחד להתגבר על שכנגדו.

⁷⁴⁷ *Petah Einayim*, 6b-7a; *Gahalei Esh*, 127a-128a. This section, too, is omitted in *Luhot Edut*.

condemnation of Eibeschutz he had just taken issue, just as he demanded respect for Eibeschutz.⁷⁴⁸

At this point Landau made explicit the familiar warning of "what will the *goyim* say?" Judaism had suffered enough from Sabbatianism, but at least until now Sabbatianism had been clearly recognized by the world as a heresy of Judaism, a marginal phenomenon universally condemned by the rabbis, who were the acknowledged spokesmen for "true" Judaism. Indeed, to Ezekiel Landau, Judaism could pride itself on its monolithic character, a character which bespoke a certainty that derived from authenticity. There was no Protestant Judaism. Judaism was not rent in two by competing groups who argued over the fundamentals of the faith. Such schisms weakened the claims of Christianity. The leaders of Judaism (the rabbis), by contrast, had always been united against Sabbatianism and had not allowed it to develop into another version of Judaism. If a controversy should now rage among the rabbis themselves, the disunity would undermine the collective authority of the rabbinate, a terrible consequence indeed. "What will be the result of this strife? The whole matter is known to the gentiles. They are saying that 'the House of Judah is just like all the other nations (i.e., split into different theologies like the Catholics and the Protestants, or the Sunni and the Shia). The scholars of Israel are arguing over the fundamental doctrines of their faith!' Hitherto we have been unique in this matter, different from all other peoples and faiths."⁷⁴⁹ Indeed, why hadn't the German rabbis perceived this? "Why

⁷⁴⁸ *Petah Einayim*, 6a; *Gahalei Esh*, 128a-b. This, too, is omitted in *Luhot Edut*. Interestingly, Hillman's granddaughter would later marry Ezekiel Landau's son Samuel, see Zinz, 250. Years later Ezekiel Landau would eulogize Samuel Hillman Heilperin upon his death, see the sixth *drasha* in *Ahavat Tziyon*.

⁷⁴⁹ ומה יהיה בסוף המחלוקת הזו? כבר הדבר בין הגוים ידוע. ובעונותינו הרבים הם אומרים "הנה ככל הגוים בית יהודה." וכאילו שרשי הדת ויסודי האמונה נחלקו בו חכמי ישראל, אשר בזה נפלינו מכל העמים אשר על פני האדמה.

hasn't the great rabbi Joshua [Falk of Frankfurt], the glory of our generation, moved heaven and earth to put out the fires?"⁷⁵⁰

Of course, this passage merely indicates how far apart Ezekiel Landau was from the Emdenites in their attitudes. Joshua Falk was a sworn foe of Eibeschutz, perceiving him a dangerous and slippery character, whose destruction was necessary for the preservation of Judaism. When Landau went on to praise Eibeschutz as a man of whom nothing untoward had ever been heard, Emden and Falk must have rubbed their eyes in amazement and then reached the conclusion that Landau was either a fellow heretic or else a bought careerist partisan.

Landau was not unaware of the negative reactions his proposal were bound to engender from both sides. "I know full well that many will find in my letter proposals that are bitter. Each side will say, 'These proposals are good, while those are not.' All I can say is that, with all my shortcomings, I have weighed the matter as impartially as I can and followed the rule that a person is entitled to the benefit of the doubt, except, of course, where there is a danger to the public."⁷⁵¹ This last qualification explained why he was ordering the suppression of the amulets.

It is on this note that the letter concludes, and it is on with this conclusion that the letter was published by Eibeschutz in his *Luhot Edut*. However, this was not the end of the letter, or, more accurately, there was an addendum. The letter itself had been signed in Iyar of 1752 (sometime between April 15 and early May) in Yampol, which Landau described as a עיר קטנה (sometime between April 15 and early May) in Yampol, which Landau described as a *עיר קטנה*, a small townlet, a temporary tent," that is, an out-of-the-way hamlet which was certainly not *au courant* with the latest news from Germany. A few weeks later Landau traveled

⁷⁵⁰ *Petah Einayim* 6b; *Gahalei Esh*, 129a.

⁷⁵¹ *Ibid.*

to Brody for the spring fair, the Fair of St George (Yuri), held every year starting May 4.⁷⁵² In Brody he saw a copy of a formal proclamation of excommunication of the author of the amulets as a Sabbatian signed by Falk, Hillman, and Loewenstamm, the three leading rabbis in Germany. The letter he saw was the first one published in *Sefat Emet*. It had been issued the day before Yom Kippur, that is, the previous September 28th. The letter did not mention Eibeschutz by name, but it threatened to if he did not confess and recant. The proclamation also included a detailed explication of the amulets, after which it was harder than ever to make a case that they were not Sabbatian. Landau, embarrassed, declared defensively:

Had I seen this proclamation before I composed my letter, I would have omitted a number of statements in it [acceptive of a non-Sabbatian interpretation of the amulets]. Indeed, the German rabbis did well to condemn the author of these amulets whoever he might be. Nevertheless, in certain respects I respectfully suggest that they have not legally ascertained that the amulets were not forged or doctored. I will admit that if I had not written my letter [before I received this new information] I would not have done so. After all, who am I to thrust my head between two contending 'mountains?' However, since I went to the trouble and composed it, I figured, 'Let me publish it and whatever happens, happens. Let me present my arguments to the great rabbis of Germany who are contending against each other. Perhaps I may be fortunate enough to bring peace between the two sides.' However, let me make it clear that my letter and its suggestions are a single unit. Let no one adopt part of my suggestions unless he is willing to abide by all of them. If anyone fails to do that I hereby retract my words and declare them null and void."⁷⁵³

Ezekiel Landau had found himself in an embarrassing situation. The controversy which he had thought was just another in-house scandal of the German rabbinic world had erupted into the public arena, precisely as he had feared. In light of that fact his letter now seemed irrelevant, and Landau might have considered himself fortunate that it had not been published. So far he had

⁷⁵² Brody held four fairs every year, named for Saints Benedict (March 21), George (May 4), Luke (October 18), and Thomas (December 21). Halpern, *Pinkas Vaad Arba Aratzot*, 542-543.

not taken sides, and it was probably better for him not to do so. Yet he could not bring himself not to publish something he had taken such trouble to compose. Obviously the letter was the fruit of much thought, and Ezekiel Landau had a high opinion of his own eloquence and of the cogency of the arguments he had crafted with such attention and effort. Although it would have been politic to destroy the letter, he could not. The ambition, energy, the sense of self-worth, that led him to intervene unasked in the controversy would not let him suppress what he had written.

Of course, Jacob Emden had a different explanation: The letter was part of Landau's political maneuvering to win the chief rabbinate of Prague. Both factors probably played a role in his decision to go ahead and publish the letter.

In the letter Landau did not state that when he arrived at Brody he found that his position had been complicated by alarming new developments. It was the custom at these fairs for the scholars of the region, including the scholars of the Brody *kloiz*, to hold session, discuss learned matters, try cases, and deal with current problems. At this fair of May 1752 the rabbis were preoccupied with the alarming rise of Sabbatian activity and especially Sabbatian literature in the province. "When we, the scholars and faithful men of Israel, convened to discuss the religious situation, new writings were brought before us, of a type foreign to our fathers."⁷⁵⁴ Just when the Brody scholars sat down to examine the "new writings," other documents arrived from Germany, from Jacob Emden and his supporters. Emden very much wanted to win the support of the Brody scholars, whose kabbalistic expertise was universally acknowledged. If the Brody scholars were to pronounce the amulets heretical, a powerful blow would have been struck against Eibeschutz, who was offering his own, innocuous, interpretation. The Emdenites sent to Brody either the

⁷⁵³ *Petah Einayim*, 7b; *Gahalei Esh*, 131a. Obviously this is omitted in *Luhot Edut*.

⁷⁵⁴ כאשר נאספנו לדבר מצוה באסיפת החכמים השלמים שלומי אמוני ישראל, הובאו לפנינו ספרים חדשים מקרוב באו לא שערום אבותינו.

recently published *Sefat Emet* or its contents, that is, a lengthy decoding of the various amulets and a series of letters by the Emdenite German rabbis condemning the author of the amulets as a Sabbatian. The Brody scholars thus had before them both the "new writings," that is, the Sabbatian tracts circulating in eastern Poland, as well as the amulets. The Brody kabbalists undertook to examine all the documents. They concluded that not only were the amulets Sabbatian, but that the amulets were based upon the tracts; the kabbalistic formulas in the amulets reflected the doctrines expounded in the tracts. "We tried as hard as we could to read the amulets as non-Sabbatian. We were unable to do so. Moreover, we discovered that the contents of the amulets derive from the false doctrines contained in the tracts."⁷⁵⁵

These developments must have been most embarrassing for Ezekiel Landau. His arguments in favor of Eibeschutz must have seemed more implausible and forced than ever in light of the ideational connection established between the amulets and the tracts, the same tracts which back in 1725 Eibeschutz had been accused of having composed. The case against Eibeschutz seemed stronger than ever. And yet Landau would not tear up his letter. Instead he added a concluding paragraph which seemed most strange in a letter defending the innocence of Eibeschutz, even if that defense was more a legalistic exercise than a matter of conviction. "While I am on the subject I would like to call to the attention of the great rabbis of the land the heretical and superstitious tracts⁷⁵⁶ which are circulating in our provinces. Let me assure you that these tracts teach not error but actual atheism.⁷⁵⁷ I had heard about these tracts but I had not seen them. That is why, when I wrote to Rabbi Jonathan calling upon him to condemn these tracts, I did not list them by name (Rabbi Jonathan, by the way, replied that he was prepared to

⁷⁵⁵ *Hitavkut* (Lvov), 95a; Perlmutter, 47-48.

⁷⁵⁶ ספרי קוסמים וספרי מינות

⁷⁵⁷ יצאו לכפור בכל לא לקצץ בנטיעות

excommunicate anyone who ascribes to him anything Sabbatian, written or otherwise). Now I have actually read these tracts. They contain gall and wormwood. Believe me, I have never heard of a religious doctrine of any nation as reprehensible as [the doctrine contained in these tracts]. “Landau proceeded to list four tracts, the notorious *V'Avo Ha-Yom el Ha-Ayin*; a commentary of the *Song of Songs*; a commentary on the Book of *Esther*; and a treatise on the mystical meanings of the shofar blasts on Rosh Hashanah. The first of these tracts, Landau asserted, exceeded even Aristotle in its sacrilege. The Greek philosopher, after all, believed in an all-powerful supreme being; he merely claimed that God was too lofty to concern himself with mundane matters.⁷⁵⁸ The author of the tracts, on the other hand, believed that God was not powerful enough to interfere in the world. No religion had ever preached such a shocking doctrine.⁷⁵⁹

Landau was referring to the Sabbatian doctrine that the highest part of the Godhead, the *Ein-Sof*, the Cause of Causes, does not influence or interfere in the mundane lower world inhabited by man. Rather, it is other parts of the Godhead which emanate from the Cause of Causes that run the world. In this sense of powerlessness the *Ein-Sof* is referred to as female, the weaker sex (תשש כזה כנקבה), the real, "masculine," powers being located in the other parts of the Godhead.⁷⁶⁰ This doctrine is indeed espoused in the *V'Avo Ha-Yom el Ha-Ayin*, and it is no surprise that it shocked Ezekiel Landau and the other orthodox kabbalists. As Gershom Scholem observed,

758 אריסטו וחביריו כפרו בו לרוממותו, שאמרו אין כבודו להשגיח בתחתונים

759 מחבר הקונטרס הזה כופר בהשגחתו באמרו תשש כחו. כפירה זו לא פרקו אפילו האומות הקדמונים מעולם.

760 Perlmutter 73-75. The phrase תשש כחו in connection with God appears in the *Zohar to Exodus* (*Parshat Terumah*) 155b: When Israel does not study the Torah, God's power is weakened, so to speak" (תשש חיליה) ובשעתא דישראל מתבטלי מאורייתא, כביכול (

This 'heretical' doctrine, that the First Cause (or the highest element of the Godhead) does not guide the lower world at all, was among the principle innovations of Sabbatian doctrine which angered the sages of that period. The orthodox kabbalists saw in this assumption proof that the Sabbatians had left the faith in the absolute unity of the Godhead, which does not permit, in matters pertaining to divine providence, differentiation between the emanating *Ein-Sof* and the emanated *Sefirot*...This 'taking' of providence from *Ein-Sof* is found in several Sabbatian schools of thought, [including] *V'Avo Ha-Yom el Ha-Ayin*, which was severely attacked for the prominence it gave to this opinion."⁷⁶¹

Such shocking heresies were circulating widely, Landau wrote, and the only way to take the wind out of their sails was to have them publicly disavowed and damned by their "alleged" author. If Eibeschutz were to come out with a full-scale attack on these tracts and their heresies, the Polish Sabbatians would be discredited as liars who had no authority upon whom to rely. In addition, Eibeschutz would go a long way towards clearing his name. "Bestir yourselves," Landau addressed the rabbis of Germany, "for these tracts have spread throughout Podolia, and they are regarded as legitimate sacred writings. Bestir yourselves to ban each tract by name, to excommunicate its original author as well as those who possess copies and those who make copies from which to study. The responsibility in this matter lies particularly upon the shoulders of the *gaon* Rabbi Jonathan, in order to clear himself from the charges of the wicked foolish Sabbatians in our provinces who say that they rely upon his authority as the author of these tracts."⁷⁶² Landau called upon Eibeschutz to unequivocally denounce and damn the tracts and

⁷⁶¹ Gerschom Scholem, *Kabbalah* (New York, 1974), 384.

⁷⁶² ועל הגאון מהור"ר יהונתן הדבר מוטל יותר בחיוב להסיר ממנו עקשות פה טפשים הרשעים מאמינים הש"ץ שבמדינותינו התולים עצמם בו כי ממנו יצא הדברים.

anyone associated with them. "Therefore, he should publish a severe ban cursing and damning the author of the tracts as well as all those who study or even possess them. Let copies of this ban be circulated throughout [the Jewish communities of the world] - in print, not manuscript - with each tract listed by name and separately condemned by chapter, verse, and page. [If he does] this he stands cleared."⁷⁶³

Apparently, the discussions of these issues which commenced at St. George's Fair continued throughout the summer of 1752, for it was not until Elul (August) that the letter concerning the amulets and the tracts were sent out by the Brody *kloiz* and a separate letter, his original letter in its final, amended, form was sent out by Ezekiel Landau. The letter made a great impression, both positive and negative. Eibenschutz did not fail to notice the half-hearted nature of Landau's endorsement, and when he published the letter in 1755, he omitted the last part of the letter, the part condemning the tracts, especially the *V'Avo Ha-Yom el Ha-Ayin*. Although he left this part out of the printed letter, in his general introduction to the *Luhot Edut* Eibenschutz did quote from *V'Avo Ha-Yom el Ha-Ayin* to prove that Joshua Falk had, with what Eibenschutz charged was typical intellectual dishonesty, quoted from it out of context in order to discredit Eibenschutz. In the nineteenth section of his introduction, Eibenschutz referred to Ezekiel Landau's גדופים, blasphemies, meaning that Landau had attributed blasphemy to the tract, and that Landau was extremely deprecatory (הרבה בגנות) in his attitude towards it. Although Eibenschutz admits that he declined to condemn the tracts literally by chapter and page as Landau requested, he did issue a general condemnation of any written work that contained the doctrine limiting the providence of the *Ein-Sof*. This was somewhat tricky, since elsewhere in the same essay

על כן זאת יעשה להדפיס חרם חמור בדפוס לארר ולקלל את המחבר הקונטריסים הנ"ל ואת הלומדים ומחזיקים בהם. ונשלוח ספרים בכל גבול ישראל בכל המדינות - והכל בדפוס - ולפרוט כל הקונטריסים בשמותם ובסימניהם

Eibeschutz hinted that the tract in question, the *V'Avo Ha-Yom el Ha-Ayin*, did not actually teach such a doctrine. Certainly Eibeschutz's grudging compliance with Landau's request did not inspire confidence in his integrity among the Emdenite camp, whose members scrutinized every line he wrote, looking for such inconsistencies. But to the general public, which read the letter in a plain if superficial way, it appeared as if Eibeschutz was grateful for Ezekiel Landau's support and quick to comply with the Yampol rabbi's requests for disassociation from and disavowal of the Podolian Sabbatians.⁷⁶⁴

The Landau-Eibeschutz relationship in the historiography

The question of what Ezekiel Landau really thought about Eibeschutz has engendered an entire literature. Beginning in the mid-nineteenth century historians began debating the question of whether or not Jonathan Eibeschutz had been a Sabbatian. In many respects the debate echoed the original controversy. For example, Heinrich Graetz was persuaded that Eibeschutz was a Sabbatian by the text of the amulets, which were easily decoded to yield Sabbatian prayers. Others, such as the Bohemian rabbi and historian Guttmann Klemperer, whose sympathetic German biography of Eibeschutz was published in 1858, ten years before Graetz's account, took the view that a man as great as Eibeschutz could not possibly have been a Sabbatian, and that the amulets did not prove that he was, either because they had not been correctly decoded, or

ובזה ינוקה האישי מעוון. *Petah Einayim*, 8b; *Hitavkut* (Lvov), 95b; *Gahalei Esh*, 132b-133a; Perlmutter, 51.

⁷⁶⁴ *Luhot Edut*, 3a-b; Perlmutter, 132-134, and his detailed analysis of Eibeschutz's remarks.

because they had been tampered with and doctored by unscrupulous opponents of Eibeschutz. In short, it was the evidence of the amulets versus the evidence of Eibeschutz's public career; different historians privileged the one over the other. This particular debate lasted into the twentieth century, with the Russian maskil David Kahanah, Gerschom Scholem, Isaiah Tishby, Moshe Aryeh Perlmutter, and Yehudah Liebes, arguing for a Sabbatian interpretation of the amulets. Opponents, consisting of Saul Pinhas Rabinowitz, Mortimer Cohen, David Zinz, Reuben Margoliot, Yitzhak Raphael, and Orthodox Jewish writers in general, disputed the Sabbatian interpretation of the amulets or else argued that they had been doctored. This dispute constituted one strand of the *Historikersteit* over Emden-Eibeschutz.⁷⁶⁵

A second strand concerned Ezekiel Landau and his attitude towards Eibeschutz. Historians who argued Eibeschutz's innocence cited as evidence the fact that so distinguished a rabbi as Ezekiel Landau supported Eibeschutz, and that Landau had pointed out in his letter that the amulets may have been doctored, a crucial point. Certainly someone as orthodox as Landau, as opposed to Sabbatianism as he, would not have supported Eibeschutz, would not have opposed Emden and his efforts to depose Eibeschutz, unless he, Landau, were persuaded of Eibeschutz's innocence. Klemperer (1815-1884), who grew up in Prague a generation after Landau and who was privy to local memory with its combination of fact and legend, pointed to Landau's numerous students, some of whom Klemperer knew personally, who held both Landau and Eibeschutz in high regard as rabbinical authorities, something that would have been impossible if their teacher Landau had believed Eibeschutz to be a Sabbatian. This is a fair point. Klemperer also pointed to Landau's esteem for many of Eibeschutz's students while Landau was in Prague, which he argued was unexplainable if Landau held their teacher to be a heretic. This

⁷⁶⁵ See David Kahana, *Toldot ha-Mekubalim, ha-Shabtaim, ve-ha-Hasidim* (Tel-Aviv, 1927).

argument is refutable, for not every student of Eibeschutz's was a kabbalist, let alone a Sabbatian. Finally, Klemperer pointed to the numerous students of Landau's who throughout their careers referred to Eibeschutz in the most complimentary terms, which they would not have done if their teacher viewed Eibeschutz as a secret heretic. This point, while worthy of consideration, is not decisive, for Landau's students merely followed their teacher's example, which was to bury the scandal and pretend, at least in public and in print, that it had not happened. Alternatively, Landau may not have discussed his feelings toward Eibeschutz with these students.⁷⁶⁶

Ten years later, in 1868, Heinrich Graetz published the tenth volume of his *Geschichte der Juden von den aeltesten Zeiten bis zur Gegenwart*.⁷⁶⁷ As we have seen, Graetz was convinced Eibeschutz was a Sabbatian, and his entire account of the controversy is highly partisan. In discussing Ezekiel Landau's letter, Graetz referred to Landau as a "second Jonathan [Eibeschutz] in *pilpulism*." Graetz described the letter as a product of Landau's "youthful naiveté," admitting as it did that the amulets certainly seemed Sabbatian but that a rabbi as great as Eibeschutz had to be believed in spite of the evidence. This statement, Graetz argued, constituted a slap in the face to Eibeschutz because of its characterization of the amulets as heretical. Although Landau had stated that an argument in favor of Eibeschutz was that the amulets may have been tampered with, such an argument was not valid in light of the fact that Eibeschutz admitted that he was their author but that they were not being interpreted properly. Landau's position, then, was illogical. If the charges were to be judged on the evidence (the amulets), and if the evidence clearly pointed to heir Sabbatian content, then Eibeschutz stood

For the others, see below.

⁷⁶⁶ Klemperer, "The Rabbis of Prague," 65-67.

⁷⁶⁷ Leipzig, 1868.

convicted, from a purely judicial point of view, which, after all, was the point of view Landau was adopting in his letter. To refuse to judge the case on the evidence was a damning inconsistency which exposed Landau's efforts at peacemaking as weak. In any event Landau's letter could not serve as support for Eibeschutz's innocence.⁷⁶⁸

Graetz's account of the controversy was strongly anti-Eibeschutz, whom he painted in the blackest colors. Graetz's Hebrew translator, Saul Pinhas Rabinowitz, strongly dissented from this interpretation, and in his notes to Graetz's account he offered a point-by-point refutation of Graetz's arguments.⁷⁶⁹ Rabinowitz accused Graetz of forming a bad opinion of Eibeschutz on account of the latter's being a kabbalist, Graetz being notorious for his hatred of Kabbalah and its devotees.⁷⁷⁰ Rabinowitz insisted that Landau had never said that the amulets were definitely Sabbatian; he merely said that they seemed to be. Landau was willing to accept an alternate interpretation if Eibeschutz offered one. To Graetz the meaning of the amulets, which he decoded in an excursus, was obvious, and any alternate explanation was ridiculous. Landau's statement about being willing to accept such an alternate explanation could not be taken seriously.⁷⁷¹ Rabinowitz, in his own analysis of the letter, disputed this point.

The ambiguities of Landau's letter, then, are reflected in the opposing interpretations given it by Graetz and Rabinowitz. Subsequent historians - Kamelhar and Margoliot on the pro-Eibeschutz end, Scholem and Perlmutter on the other side - broke no new ground in

⁷⁶⁸ Graetz-*SheFeR*, 485, 620.

⁷⁶⁹ *Ibid.*, 620-621.

⁷⁷⁰ *Ibid.*, 523.

⁷⁷¹ *Ibid.*, 616-629.

analyzing Landau's remarks concerning the amulets.⁷⁷² Ultimately, these remarks in and of themselves cannot furnish proof of Landau's true opinion of Eibeschutz.

In 1877, Graetz introduced a second element into the discussion. In the *Monatsschrift fuer Geschichte und Wissenschaft des Judentums* which he edited, Graetz published a letter sent by Ezekiel Landau to the Austrian empress Maria Theresa after the Hapsburg authorities had solicited his opinion of Eibeschutz.⁷⁷³ The latter had applied to the Hapsburg government for permission to move to Prague.⁷⁷⁴ Back in 1741, Eibeschutz had been declared an outlaw by the Austrians because they perceived him as collaborating with the French forces who occupied Prague from November 1741 to December 1742. The French had been the enemies of Maria Theresa in the War of the Austrian Succession (1740-48), although at the time of Eibeschutz's petition in 1762 they were allied to Austria in the Seven Years' War (1756-1763). Now, twenty years after his banishment, Eibeschutz used his own connections with the Danish authorities to have the Danish ambassador at Vienna appeal to the Austrian government to have the Austrian decree revoked so that he might, in his late sixties, retire as a private citizen to live out his old age in Prague, the city of his youth.

⁷⁷² Yekutieli Kamelhar (*Mofet ha-Dor*, 1-13) and Reuven Margoliot ("Le-ha-Kategoria she-Nithadshah," Sibat *Hitnagduto shel Rabbenu Yaakov me-Emden le-Rabbenu Yehonatan Eibeschutz*, [Tel-Aviv, 1941], 11-16) followed Rabinowitz in interpreting Ezekiel Landau's letter as indicating genuine support for Eibeschutz's innocence. Gerschom Scholem (*Kiryat Sefer* XVI [1940], 331-332) argued that Eibeschutz's decoding of the amulets does not conform to anything known about the subject, and that they are therefore not to be credited. The recent publication of the most well-known seventeenth century manual of Jewish amuletry, Moses Zacuto's *Shorshei ha-Sheimot* (Jerusalem, 1995), seems to confirm Scholem's observations. Perlmutter, concentrating as he does on the tracts, analyzes Ezekiel Landau's letter, especially the last part, which refers to the tracts, and concludes that Landau considered Eibeschutz their author and hence a Sabbatian (48-52).

⁷⁷³ H. Graetz, "Ezechieli Landau's Gesuch an Maria Theresia gegen Jonathan Eibeschutz," *MGWJ* 26 (1877) 17-25.

⁷⁷⁴ Eibeschutz's request, dated March 1762, is printed in J. Mieses, "Beitraege zu Jonathan Eibeschutz's Biographie," *Mitteilungen fuer juedische Volkskunde* 21 (1919), 29.

Nine years earlier, in July 1753, at the time the controversy was at its height, Eibeschutz had been elected chief rabbi of Nikolsburg in Moravia, another Habsburg province. At that time the Austrian government declined to allow him back into Habsburg territory.⁷⁷⁵ Now, in 1762, the seventy year old Eibeschutz was personally appealing to Vienna, saying that "his situation in Hamburg-Altona had become unbearable ("ihm die Verhaeltnisse in Hamburg-Altona immer unertraeglicher wurden"). He wanted to retire to Prague. Following governmental procedure, the Austrian authorities solicited the opinion of interested official parties, including their Chief Rabbi of Prague, Ezekiel Landau. Chief Rabbi Landau replied in writing, in German. He declared himself strongly opposed to Eibeschutz's return to Prague. In fact, Landau stated that it was not possible for him to remain at his post if Eibeschutz were permitted to return. Landau reminded the government that Eibeschutz had sided with the French during their war against Austria, and that Austria had had good reason for banishing him. Landau contrasted Eibeschutz's anti-Austrian conduct during the siege and conquest of Prague by the French in 1742 with his (Landau's) own exemplary pro-Austrian conduct during the recent siege of Prague during the Seven Year's War (see next chapter); in short, the government should listen to the counsel of a patriotic chief rabbi over that of a man whose conduct had been the opposite of patriotic. Landau also declared that Eibeschutz was not a man of good character, that he pursued "a disgusting life-style" and was "morally unclean." Most importantly, Landau accused Eibeschutz of being a Sabbatian, a religious heretic who had been placed under the ban by the leading rabbis in Germany and Italy. Such a person's presence in Prague would undermine his (Ezekiel Landau's) efforts to suppress heresy. As chief rabbi, he had publicly excommunicated the Sabbatians with the object of preventing the Jews of Prague from permitting Sabbatians from taking up residence

⁷⁷⁵ Ibid. See also *Luhot Edut* 3b, where Eibeschutz alludes to this as the reason he did not accept

in the Bohemian capital. Landau implied that the presence of a prominent Sabbatian would set at naught all these efforts. Accordingly, Landau expressed the hope that Eibeschutz would not be allowed back to Prague to disturb the peace of the community.⁷⁷⁶

the rabbinate of Nikolsburg. See also Mortimer Cohen, 213.

⁷⁷⁶Much has been written about the letter, which has never been translated into English. The letter is written in an idiosyncratic German (Graetz refers in his postscript to the letter's "laecherlich Orthographie"), which renders translation quite difficult. Nevertheless, an attempt at a full translation follows:

Most Excellent Supremely Sovereign Roman Empress, also Queen in Germany, of Hungary and Bohemia, Archduchess of Austria

Most Gracious Princess Ruler and Lady of the Hereditary Lands!

Of Your Royal Apostolic Majesty in deepest humility to plead is occasioned by the manner it has formally been requested by Your Majesty, through the intercession of the Royal Danish Ambassador, on behalf of Jonas Nathan Eybeschitz, formerly Rabbi of Metz, at this time however Chief Rabbi of the City of Hamburg, to the effect that the same might be graciously granted in Your Majesty's Hereditary Land, the Kingdom of Bohemia, specifically in the Royal City of Prague, the privilege to receive again the "incolat" and be received tranquilly by the Jewish community of Prague.

For Your Majesty's perusal see attached Lit: A;B; etc. and other documents, especially those which characterize the petitioner regarding his evil lifestyle, primarily, however, ut Lit: Act B: that the same during the upheavals of the recent wartime through collusion with the at-that-time enemy French troops withdrew secretly with them to the City of Metz, for which reason You were pleased to banish the same together with his wife and children from the entirety of Your Hereditary Lands as a matter of the criminal offense "Lese Majeste"; but since the Jewish community of Metz would not accept the above-named petitioner on account of his evil lifestyle, the same then migrated to the City of Hamburg, where through his innate ambition and cleverness the same has succeeded in becoming Chief Rabbi. Despite all of this the same has rigidly persisted in his bad personal conduct, for he has renewed and disseminated that false teaching which has been utterly rejected by all Jewish communities in the world concerning the false messiah "Schabse Tzvi" and his successor "Berachia," spreading throughout the Jewish family various "Epicurean principles" in conflict with all religion in the entire world, in consequence of which the often-discussed Jonas Nathan Eibeschutz as been formally banned - under their official seals - by such chief rabbis as for instance of Frankfurt am Main, of Amsterdam, by the present Chief Rabbi of Metz, as well as by all the chief rabbis of Italy.

And since from these circumstances which have been briefly cited for Your Majesty, and also by reference to those decrees cited above Sub Lit: A:B: etc from Your Majesty issued with the force of law against this petitioner, as well as from that which Your Supreme Grace might easily infer from the aforesaid petitioner's bad and immoral life, and also from him directly, since the same, despite the penalty and decrees which have been issued against him from the highest authority, has so long persisted without changing his bad personal conduct, and insofar as nothing good is to be expected, the obligation falls to me and to Your Majesty's Jewish

This letter, Graetz stated, was in the archive of the Jewish community of Prague, and had been copied out for him by Dr. Arnold Rosenbacher, a *parnas* or leader of that community. Graetz published this letter to support his contention that Eibeschutz had been a Sabbatian, a contention he had published in his *History of the Jews* in 1868, and which had aroused much anger. Indeed, in his *History*, Graetz had, quite uncharacteristically, found it necessary to apologize to his readership for siding with Emden:

I must beg the pardon of some of my close friends, who to this day revere [Eibeschutz,] the author of the [classic halakhic works] *Urim ve-Tumim* and *Kreti u-Fleti*. I realize that I have caused them much pain by besmirching the honor of that glorious hero of the halakhic wars so dear to them. I can only say that it is the historian's obligation to shed light on the actual facts of persons and events without any flattery that has led me to publish my conclusions.⁷⁷⁷

community of Prague to caution against the chief rabbi here presented. Whereby the Jewish population wishes in particular not to have its youth filled and led astray by false doctrine; additionally, at this point Your Majesty might in supreme grace consider that I may not, as a Chief Rabbi, live in the same city as a Jew who has been formally banned, since even the simplest Jew is prohibited on penalty of excommunication from having the least contact or conversation with a Jew thus banned, in which condition an ongoing conflict and disorder between myself and the aforementioned petitioner, likewise great disunity among the entire Jewish community, are to be feared, as well as that our laws would necessarily be violated should Your Majesty accept the request of this disturbing and immoral petitioner. For such would follow from these humbly submitted and here locally prevailing circumstances.

Wherefore I submit to Your Imperial Royal Apostolic Majesty my most humble and truly obedient request that it may graciously please You out of Your maternal concern for all Your Hereditary Lands, and with regard to the devotedly offered services I have provided Your Majesty as well as the entire Prague Jewish community, especially those of the last Prussian siege of the year 1757, when I repeatedly ordered the Jewish community under penalty of excommunication (in consequence of which for the well-being of the City of Prague all these Jews carried out the orders of the General Staff then residing in Prague), and not least in consideration of the Prague Jewish community, to reject with the force of law the petitioner Jonas Nathan Eybeschutz with his request and plea for pardon which might lead to the reduction of our faith and against the best possible unity of the Prague Jewish community.

Beseeching that supreme decision in most humble devotion

Your Imperial Royal Apostolic Majesty's

Truly Obedient

Jecheskel Lando Chief Rabbi

⁷⁷⁷ Graetz-*SheFeR*, 615.

By demonstrating that Ezekiel Landau believed Eibeschutz to be a Sabbatian, Graetz sought to prove the latter's heresy. Of course, the fact that Landau considered him a Sabbatian does not actually prove Eibeschutz's guilt. Still, it did weightily support the charges of his foes and of Graetz.

The publication of this letter to Maria Theresa set off a fascinating historiographical controversy that reflected the differing agendas of the practitioners of *Wissenschaft des Judentums* on the one hand, and traditional rabbinic scholars who wrote history, on the other. The orthodox and traditionalist writers perceived the letter as ammunition with which to defame Eibeschutz, who was to them a *gadol* and certainly no Sabbatian; accordingly, they sought in various ways to discredit or devalue it. The first reaction was that of Rabbi Jacob Cohn of Kattowitz, who had already in 1870 published a vigorous refutation of Graetz's account of the controversy in his *Geschichte*. The title of Cohn's work told it all: *Ehrenrettung des R. Jonathan Eibeschutz: eine Beitrag zur Kritik des Graetz'schen Geschichtswerkes* (Hanover 1870). Faced with this new piece of anti-Eibeschutz evidence published by Graetz, Cohn charged that the letter was a forgery, or at least that its accuracy could not be verified.⁷⁷⁸ Cohn declared that the publication of such a spurious piece of evidence as the assertion that Eibeschutz was a Sabbatian and a "morally unclean" person was an outrage. Three years later the new Orthodox Chief Rabbi of Prague Markus Hirsch announced that he had examined the letter in the Prague archive and discovered that it was in fact unsigned. In light of the fact that Ezekiel Landau did not write in German, Hirsch concluded that the letter had been written by some communal notary or secretary who was a member of the anti-Eibeschutz faction in Prague in the hope that Landau

would sign it. But Landau had not signed it! The letter, if anything, proved the opposite of what Graetz had asserted, argued Hirsch.⁷⁷⁹

Four years later Gutmann Klemperer questioned the authenticity of the document on the grounds of internal criticism. "If it is the original, why does it bear no date? If it is a copy, why does it bear Landau's signature in German as well as in Hebrew? As to the contents, it is unthinkable that the discrete and careful Landau should have dared to intervene in the decision of Her Majesty without being asked for his opinion. If he was asked, his letter should have been addressed to the local officials, not to the Empress." After several more arguments along these lines, Klemperer did concede that Landau may have written the letter in a moment of anger but then thought better of it. Klemperer concluded with the following illuminating remarks: "Can such a letter written in a weak moment be taken as a historic document? Would it not have been far better to forget about it instead of publishing it? After all, it is only a letter and by no means a substantiated document. It only serves to darken the character of its author, a result surely not intended by Graetz."⁷⁸⁰

Fifteen years later Saul Pinhas Rabinowitz, a critical admirer of Graetz, critical particularly of Graetz's attitude towards Eibeschutz, undertook to explain the meaning of the letter in the following remarkable manner: As a communal rabbi, Landau was loathe to see a world-famous competitor move to Prague, free and on-hand to criticize Landau's every move; this was an understandable reaction of one professional for a rival who might be a threat. Friends of Landau's perceived their leader's unease at the imminent arrival of such a competitor. They

⁷⁷⁸ *Literaturblatt der "Juedischen Presse"* no. 4, 1877. The *Juedische Presse* was the newspaper of the leader of German orthodoxy, Rabbi Azriel Hildesheimer.

⁷⁷⁹ This story is told in Eduard Duckesz, *Iwoh Lemoschaw: Biographien und Grabstein-Inschriften der Rabbiner der drei Gemeinden, Altona, Hamburg, Wandsbeck* (Cracow, 1903), German Section, XXI-XXII; Hebrew Section, 41.

undertook to draft a letter to the government opposing such a return, and in a partisan spirit typical of communal politics, described Eibeschutz in the vilest terms. When the time came to sign the letter, Landau's innate honesty and character caused him to decide not to resort to such underhanded tactics, and the letter was never sent. Accordingly, the letter cannot be taken as an accurate reflection of Landau's genuine opinion of Eibeschutz, which may be ascertained by reading Landau's eulogy of Eibeschutz in 1763, where he praised the latter in the very warmest terms and spoke of his sterling qualities. To Rabinowitz, the letter to the government in 1761-2 and the eulogy in 1763 are so contradictory that they are incapable of reconciliation. Since the eulogy is unquestionably genuine, the letter cannot be.⁷⁸¹

In his 1903 biography of Ezekiel Landau, Yekutiel Kamelhar asserted that the letter was a fake on several grounds. First, such an act was too despicable to attribute to such a great man as Landau. How could the same person who in his letter of 1752 excommunicated anyone who would accuse Eibeschutz of Sabbatianism violate his own ruling? Even a plain Jew was incapable of such hypocrisy and baseness: "Would one believe it even of a plain person in the marketplace?!"⁷⁸² Secondly, if Landau had indeed sent such a letter to the government, some people in Prague must have known about it. How, then, could Landau have the gall to stand up a year or two later and eulogize Eibeschutz so extravagantly when he knew that members of the public, members of the audience, were aware of what he had written? Such a scenario is unthinkable. On the basis of these two arguments Kamelhar declared, "Without further investigation or examination I assert that the letter was a forgery."⁷⁸³ In order to buttress his

⁷⁸⁰ Klemperer, "Rabbis of Prague," 60-61.

⁷⁸¹ Graetz-*SheFeR*, 525-527.

⁷⁸² *Mofet ha-Dor*, 13. היאומן כי יסופר כזאת גם על אדם מן השוק?

⁷⁸³ ובלי דרישה וחקירה עוד יותר יחריץ [איש אשר לו הגיון ישר ובריא] משפט כי האגרת מזויפת.

view, Kamelhar also pointed to Emden's literary attacks on Landau well into the 1760s. A man as well-informed of every aspect of Eibeschutz's career as Emden would surely have heard of this letter, which he could have used to devastating effect. Emden's silence is an eloquent *argumentum ex silentio*. Finally, it is impossible, or extremely improbable, the Eibeschutz would wish to retire from his post as Chief Rabbi of Altona-Hamburg-Wandsbek and reside as a private citizen in Prague. Why should he want to leave after he had won the fight, after he had been triumphantly re-elected chief rabbi by the voters and after his office had been formally confirmed by the King of Denmark and the senate of Hamburg? We know that during the height of the controversy in the early 1750s Eibeschutz had been offered the chief rabbinate of Cracow and Nikolsburg on a silver platter, yet he had declined. Why would he give it all up now to retire to a private life in Prague? The only conclusion possible is that the letter was never written by Landau.⁷⁸⁴

When his book was published Kamelhar received a letter from Shalom Mordechai Schwadron, the preeminent Galician halakhist, containing another version of the story, an oral tradition Schwadron had heard from Joseph Saul Nathanson, Chief Rabbi of Lvov, who had been the preeminent Galician halakhic authority in the second half of the nineteenth century. In this version, Landau, new Chief Rabbi of Prague, suffered greatly from caustic comments, criticisms, and general sniping from Eibeschutz's former students living in Prague, who were prominent in the communal leadership as well as in the local scholarly community. The general trend of these remarks was to compare Landau to Eibeschutz at the former's expense. Things reached the point

⁷⁸⁴ *Mofet ha-Dor*, 13-15. In a footnote, Kamelhar quotes a letter written to him by the famous Jewish scholar A.E. Harkabi congratulating him on refuting the evidence of that letter and thereby saving the reputation of Ezekiel Landau: “מופת הדור” וביחוד “התענגתי מאוד בקריאת מחברתך” שמתתי לראותך מקדש את שם הרה”ג בדבר המכתב שהעלילו עליו במכתב חדש. See also the remarks of Kamelhar's biographer Mondschein, 43.

where the Eibeschutz supporters drew up a petition to the government requesting it to permit Eibeschutz's return to Prague. If Eibeschutz were to actually return, Landau's position would be so uncomfortable as to be untenable. Landau apparently thought that the petition would result in Eibeschutz's return. This exasperated Landau and drove him to plan to resign his post and leave the city by night to avoid embarrassment or unpleasantness. Before he made his secret departure, Landau paid a farewell call on a Hapsburg official with whom he had been friendly. When the official asked Landau why he was leaving, the latter told him about the petition and the expected return of Eibeschutz and the impossible position in which it placed him. The official then angrily declared that on no account would he allow the return of Eibeschutz, and he proceeded to have the petition denied. Thus Landau remained in Prague while Eibeschutz was denied return, but not at Landau's initiative, and certainly not as a result of a formal letter to the government.⁷⁸⁵

While the tendentious nature of this tale is obvious, it may contain a grain or two of truth. It is a fact that Landau's life was made miserable by Eibeschutz's followers, as we shall see in the next chapter. It is a fact that Eibeschutz's students did organize a petition to recall their beloved teacher to Prague, as is stated in the eulogy for Eibeschutz published by his most important disciple in Prague, Zerah Eidlitz: "We were excitedly waiting and hoping that he would come...He, too, longed to return as a father longs for his son. Although the government had prohibited his return, we were hoping that with God's help the government would change its mind and permit him to come here."⁷⁸⁶

⁷⁸⁵ *Mofet ha-Dor*, 15.

⁷⁸⁶ אנחנו היינו עומדים ומצפים ומקוים ביאתו לכאן...וכן הוא היה לו גם כן געגועין עלינו כאב על הבן. ואף שמחמת Zerah Eidlitz, *Or la-Yesharim*, (Prague, 1785). This passage is in the second sermon. In the American edition (Kiryas Yoel, New York, 1999), the passage is on page 106.

Gutmann Klemperer, writing twenty years before Graetz's publication of the letter, recounts "the well-known fact" that Eibeschutz sought to return to Prague as a private individual, that this move was strongly supported by the Prague community, which sought to persuade the government to lift its banishment, that Landau was not in accord with this sentiment ("Landau bezeugte sich hiermit nicht einverstanden"), and that Landau was rudely reproved by a leading member of the community for his attitude ("wurde aber hierueber von dem Talmudgelehrten Abraham Bondy auf eine derbe Weise zur Rede gestellt").⁷⁸⁷

In the same year that Kamelhar published his biography, Eduard Duckesz, "Klausrabbiner zu Altona," published a history of the rabbinate of the Jewish community of Altona-Hamburg-Wandsbek, entitled *Ivah le-Moshav*. Duckesz (pp.39-40) accused Graetz of deliberately misinterpreting the amulets in an effort to blacken Eibeschutz. Citing Cohn and Hirsch, Duckesz likewise asserted that the letter was an unsigned forgery or else it was written by some disgruntled anti-Eibeschutz partisan, not by Landau. Even if it was, it merely reflected Landau's anxiety at the arrival of a rival who would cause contention in the community. It did not reflect Landau's conviction that Eibeschutz was a Sabbatian.⁷⁸⁸ Elsewhere Duckesz pretty much came out and said that Graetz had forged the letter.⁷⁸⁹

Duckesz's charges provoked a response the following year by Graetz's student, the Danish rabbi and scholar David Simonsen, who published a letter from Rosenbacher testifying that the latter had in fact copied the letter for Graetz out of the archive of Prague, and that the letter was signed in Hebrew by Landau, but that the signature was crossed out. Moreover, Rosenbacher told Simonsen that he had in the meantime discovered in the Jewish archive an

⁷⁸⁷ *Chayei Jehonathan*, 122.

⁷⁸⁸ *Iwoh le-Moschaw*, 39-40.

⁷⁸⁹ *Ibid.*, XIX-XXII.

official request by the Hapsburg *Hofkanzlei* to the Prague Jewish community to give its opinion concerning Eibeschutz's request. This Austrian document obviously occasioned the letter by Landau. Thus the letter was certainly no forgery.⁷⁹⁰

Fifteen years later, Josef Mieses examined the Austrian governmental archives in Vienna looking for the Jonathan Eibeschutz file. The original documents were no longer extant, but a series of brief abstracts (*auszüge*) survived. One abstract, dated April 3, 1762, rejected "once and for all" the petitions of Eibeschutz to return to Hapsburg territory. Attached to this was another abstract: "Ezekiel Landau, Jewish Chief Rabbi of Prague, petitions that the request of the Jew Nathan Eibeschutz that he be permitted to return to Prague be denied." This note was marked "Res Reponatur."⁷⁹¹ This official record of the request ought to have settled the matter once and for all, yet such was not the case. The whole question was revived in the 1930s.

In 1937 Mortimer Cohen published a biography of Jacob Emden in which he described the controversy at length. Cohen basically followed Gutmann Klemperer and Saul Pinhas Rabinowitz but with superficiality. Among other things, Cohen described both Ezekiel Landau as well as the Gaon of Vilna as anti-kabbalistic rationalists!⁷⁹² As regards the amulets Cohen accepted the Eibeschutz interpretation, and he also argued that Ezekiel Landau's letter in the controversy represented a genuine defense of Eibeschutz's innocence. In his notes Cohen wrote: "There are many problems concerning the relationship between Landau and Eibeschutz which will be examined later, such as his letter to Maria Theresa," and "As to ... the later relationship between Landau and Eibeschutz, they will be dealt with in a subsequent chapter (Chapter

⁷⁹⁰ D. Simonsen, "Eine ungerechtfertigte Anklage gegen Graetz," *Allgemeine Zeitung des Judenthums* 68 (1904), part 3, p. 31.

⁷⁹¹ J Mieses, "Beitraege zu Jonathan Eibeschutz' Biographie, *Mitteilungen fuer juedische Volkskunde* 21 (1919) 29-30.

⁷⁹² Cohen, 187, 227.

XII).⁷⁹³ Remarkably, Cohen never got around to discussing these issues; they simply do not appear in his book at all. The impression one gets is that he planned to deal with these matters at the time he was writing his dissertation at Dropsie College, but that he eventually just published his manuscript as it was. Whatever the case, in 1939 Gerschom Scholem published a devastating critique of Cohen's book, which he described as fundamentally flawed.⁷⁹⁴ Scholem argued that the amulets were Sabbatian, and that Eibeschutz was the author of the Sabbatian tracts that were circulating in Poland in the 1750s. Scholem also discussed the question of Ezekiel Landau's opinion of Eibeschutz. Scholem referred to the letter from Landau to Maria Theresa that had been found in the archive of the Prague Jewish community, although he acknowledged that its authenticity had been challenged.⁷⁹⁵ Evidently, Scholem was unaware of the official Austrian record published by Mieses. Scholem's attention was drawn to it subsequently, for he made reference to it in an article in *Zion* a year later, in which he reiterated his view that Eibeschutz had been a Sabbatian and that Landau was convinced of this. On the basis of Mieses' published document Scholem dismissed all attempts to deny that Landau had written the letter as "Jesuitical," reflecting a pietistic attempt to whitewash the reputations of famous rabbis rather than an honest search for historical truth.⁷⁹⁶ This attack provoked a caustic response by the orthodox scholar Reuben Margoliot, who in 1941 published an attack on Scholem for impugning the honor of Eibeschutz and of misunderstanding the nature of the Emden-Eibeschutz controversy, which, he claimed, was due to a personal vendetta on the part of Emden dating back

⁷⁹³ Ibid., 314, note 67.

⁷⁹⁴ *Kiryat Sefer* XVI (1940), 320-338.

⁷⁹⁵ Ibid., 328-329.

⁷⁹⁶ Scholem, "Parshiot be-Heker ha-Tenuah ha-Shabtait," *Zion* VI (1940-41), 96-100.

several decades.⁷⁹⁷ Years before, Eibeschutz, a youthful rabbi in Prague, had criticized a certain halakhic ruling of Emden's father, and the son never got over it.⁷⁹⁸ Having explained away the Emden-Eibeschutz controversy (including the amulets and the tracts), Margoliot turned to the question of Ezekiel Landau's role. Margoliot denied that the letter proved anything. Margoliot pointed out that Mises had not discovered the actual letter in the Austrian archives but a file note briefly summarizing its contents. As long as the actual letter was not produced there was no hard evidence that Landau had sent such a letter to Vienna, certainly no evidence to contradict the plain evidence that Landau had defended Eibeschutz in 1752 and had eulogized him in 1764.⁷⁹⁹

Scholem was quick to respond, publishing a point-by-point refutation of Margoliot's criticisms in a special monograph. Scholem's tone was as caustic as Margoliot's. He dismissed with contempt Margoliot's attempt to deny the existence of the letter when faced with the Austrian abstract.⁸⁰⁰

Unknown to Scholem and Margoliot, a last Orthodox attempt to impugn the authenticity of the letter had appeared in 1938 in Prague. Rabbi Simon Adler, director of the Jewish archive of Prague, published a history of the letter. Originally it had been in the possession of the Landau family in Prague, who presented it to an official of the Prague (non-Jewish) archive named Podebrad. The latter subsequently gave it as a personal gift to his friend, Dr. A. Rosenbacher, the President of the Prague *gemeinde*. Rosenbacher presented it to the official archive of the Prague Jewish community. The archive was ransacked in the anti-Jewish riots which broke out in Prague

⁷⁹⁷ Reuven Margoliot, *Sibat Hitnagduto shel Rabbenu Yaakov me-Emden le-Rabbenu Yehonatan Eibeschutz* (Tel-Aviv, 1941).

⁷⁹⁸ Ibid., 2-10.

⁷⁹⁹ Ibid., 11-16. This second chapter of Margoliot's pamphlet is entitled: "Le-Kategoria ha-Hadashah".

in 1919, and the copy was "heavily damaged."⁸⁰¹ Adler hired a professional graphologist, Willy Schoenfeld, to examine the Hebrew and German signatures of Ezekiel Landau by comparing them to other Landau signatures in possession of the archive. In his article, Adler published photostats of the letter and the signatures. Schoenfeld concluded that the signatures on the letter to Maria Theresa were forged. "It is clear beyond the shadow of a doubt that this document is a gross forgery."⁸⁰² Since Adler's article was written in Czech, the general Jewish scholarly world remained ignorant of it. Adler perished in the Holocaust, but his son published an abbreviated Hebrew translation in the Orthodox Israeli newspaper *Hatzofeh* in 1964.⁸⁰³

In his 1987 biography of Yekutiel Kamelhar, the Orthodox historian Yehoshua Mondshine declared Adler's article the last word on the subject.⁸⁰⁴ It was not. Two years later Sid Z. Leiman re-examined the signatures and concluded, "An examination of a larger sampling of Landau's signatures, however, establishes the authenticity of the signatures on the Prague document beyond cavil."⁸⁰⁵ Nevertheless, an Orthodox biographer in 1998 who was familiar with the historiography could still refer to the letter as "another incident of apparent forgery."⁸⁰⁶

In conclusion, the question of the letter to Maria Theresa is a textbook example of the differing perspectives of the academic versus the Orthodox and traditionalist historians. The academic historians based their conclusions on the plain meaning of the documentary evidence.

⁸⁰⁰ Scholem, *Leket Margoliot* (Tel-Aviv, 1941), particularly 9-11.

⁸⁰¹ On the anti-Jewish riots in Prague in 1919 (actually in May 1920), which destroyed many Jewish documents, see Hillel J. Kieval, *The Making of Czech Jewry: National Conflict and Jewish Society in Bohemia, 1870-1918* (New York, 1988) 185-6.

⁸⁰² Simon Adler, "Ochrana cti modernimi prostredky," (Protection of Honor by Modern Means) *Vestnik Zidovske obce Nabozenske v Praze* 5 (1938) 100-102.

⁸⁰³ Sinai Adler, "Igeret Mezuyefet shel ha-Noda BiYhudah neged R. Yehonatan Eibeschutz," *Ha-Tzofeh* 1 Av 5724 (= July 10, 1964).

⁸⁰⁴ Y. Mondschein, *HaTzofeh le-Doro* (Jerusalem, 1987), 43.

⁸⁰⁵ Sid Leiman, "When a Rabbi is Accused of Heresy," 186.

The Orthodox simply could not under any circumstances accept a conclusion that besmirched the honor or the orthodoxy of *gedolim*, members of the rabbinic pantheon, and they were prepared to go to any lengths to refute evidence that did seem to sully these reputations. What is so interesting about this affair is that it illustrates how Ezekiel Landau's own attitude in the controversy survived in his Orthodox and traditionalist successors. In both cases, the protagonists were less interested in the dry facts of the case than in issues of honor and dishonor, with the latter being viewed as something that was simply not to be conceded. Of course, the circumstances were not identical. The letter of 1752 was written before the development of the clash between the *Wissenschaft des Judentums* and the Orthodox movement over the "correct" interpretation of the Jewish past, a clash which underlay the *Historikerstreit* over the letter to Maria Theresa.⁸⁰⁷ In 1752 there was no *Wissenschaft des Judentums*, no Reform Judaism or any other movement which challenged traditional rabbinic Judaism. The Sabbatian movement, we must bear in mind, had been successfully marginalized, although there clearly were fears that it might break out of its marginalization as a result of the Eibeschutz controversy. It was precisely this fear that moved Ezekiel Landau in 1752; preventing such a "breakout" was more important to him than the details of Eibeschutz's suspicious biography or the arcana of the decoding of the amulets.

The Wolf Eibeschutz episode

⁸⁰⁶ Zev Paretzky, *The Chida* (Jerusalem, 1998), 198-9.

⁸⁰⁷ Israel Bartal, "True Knowledge and Wisdom," *Studies in Contemporary Jewry* 10 (1994), 178-192.

But there *was* a difference between Ezekiel Landau and the Orthodox historians. Unlike them he was not prepared to go to *any* lengths to defend Eibeschutz, at least privately. There *was* a limit to what he was prepared to overlook, a price he was not prepared to pay, and it was Eibeschutz's transgressing of these limits that almost certainly led Ezekiel to write the letter to the Austrian empress. Let us jump a few years ahead of our story to examine this incident.

Jonathan Eibeschutz's son, Wolf, returned to Altona in 1759. The youngest of his children (born in 1740), Wolf had left home at the age of fifteen and traveled through Germany, Moravia, and Hungary. The Sabbatians of these regions not only welcomed him, they proclaimed him a kind of messianic figure and supplied him with substantial sums, as befits such an august personage.⁸⁰⁸ According to Jacob Emden and Gerschom Scholem, Wolf Eibeschutz contracted some kind of marriage with the daughter or granddaughter of Berukhya, the prominent leader of the Sabbatians in Salonika and a leading theoretician of the Sabbatian movement, whose works, Emden asserted, had influenced Jonathan Eibeschutz's tracts, especially the *Ve-Avo HaYom el HaAyin*.⁸⁰⁹ After four years of going around Europe, dressed in Turkish costume, accumulating followers and funds (with a short interval of bankruptcy, from whose consequences Jonathan Eibeschutz saved him), the nineteen-year-old Wolf Eibeschutz returned in wealthy and spectacular style to Altona. Here he lived opulently, building a spectacular rococo mansion, decorated, among other things, with nude statues, a painting of Madonna and Child in the bedroom, and nymphs and satyrs cavorting on the wallpaper. Jonathan Eibeschutz, it seems,

⁸⁰⁸ *Hitavkut* (Altona) 36b.

⁸⁰⁹ *Ibid.*, 2a, 36a-b; Scholem, "Berukhya, Rosh ha-Shabbta'im be-Saloniki" [Berukhya, Head of the Sabbatians in Salonika], *Zion* 6 (1941) 195. Ezekiel Landau, too, referred in his letter to the Austrian Empress to Jonathan Eibeschutz's dissemination of the doctrine of Berukhya, see note 776 above.

made no attempt to restrain him. He merely reiterated his belief in his nineteen year old son's "unique qualities," whatever that meant. To Emden and his followers it was clear that Jonathan Eibeschutz believed his son to be the messiah in the Sabbatian sense of the term, and therefore entitled to a non-halakhic lifestyle.⁸¹⁰

In addition to taking up alchemy, Wolf Eibeschutz established, in the fashion of a wealthy traditional Jew of the pre-modern era, a yeshiva in his residence, to which flocked a number of students from Moravia who were clearly Sabbatian. In addition, a number of local students from Altona enrolled. This yeshiva was not identical with that directed by Wolf's father, which had an enrollment of one hundred students, but the two yeshivot were obviously in physical proximity; Altona was not a metropolis like London or Paris.⁸¹¹ To the post of dean and spiritual director of his yeshiva Wolf appointed Moshe David of Podhajce, a notorious Sabbatian, who, according to Emden, had been exposed and banished from Poland. Moshe David set up kabbalistic study circles in the yeshiva as well as in the general community. Wolf Eibeschutz, clothed in his Turkish garb, conducted his own classes for the initiates, classes which involved messianic and Sabbatian doctrines and practices. All this was done without Jonathan Eibeschutz's direct participation but with his knowledge and evident approval.⁸¹²

Sooner or later word was bound to get out. Sometime in 1760 a number of young and middle-aged persons died in Altona from illnesses. The rash of deaths upset the community and led many to wonder why God was punishing them. What evil existed in the community that

⁸¹⁰ *Hitavkut* (Altona) 36-37.

⁸¹¹ *Ibid.*, 46b.

⁸¹² *Ibid.*, 38b-9a, 46b. See also Hayim Virshubski, "The Sabbatian Kabbalist, R Moshe David of Podhajce" (Hebrew), *Zion* 7 (1941) 73-93; Yehudah Liebes, "Hibbur Bileshon ha-Zohar le-Rabbi Wolf ben Rabbi Yehonatan Eibeschutz al Haburato ve-al Sod ha-Ge'ulah," *Kiryat Sefer* 57 (1982), 148-178; Moshe Carmilly-Weinberger, "Wolf Jonas Eibeschutz - An 'Enlightened' Sabbatian in Transylvania," *Studia Judaica (Cluj)* 6 (1997) 7-26.

required rooting out in order to stop the plague? The communal leaders convened together with the beth din, the communal rabbinical court, to deliberate upon needed religious reforms in the community. The convening of this body served as a catalyst for a number of Talmud students in Altona to come forward and give evidence concerning the Sabbatian goings-on in Wolf Eibeschutz's yeshiva. The council heard their testimony and was shocked. When investigation confirmed the basic accuracy of their report, the council ordered the yeshiva closed and the out-of-town students expelled from Altona.⁸¹³

It is surprising that news of this scandal did not undo Jonathan Eibeschutz's position. He vigorously denied that anything improper had taken place, claiming at the same time that his twenty year old son was precociously brilliant and therefore somewhat unusual, but that he was an unimpeachably orthodox Jew. The Altona communal officials and the beth din do not seem to have pursued the matter. Apparently they were not interested in reviving the controversy and exposing the community to more scandal, ridicule and strife. According to Emden, they feared Eibeschutz's connections with the government might be turned against them.⁸¹⁴ On the other hand, Jonathan Eibeschutz's position must have uncomfortable; as noted above, he complained to the empress in Vienna in 1762 that his position in Hamburg-Altona was "unertraeglich." Wolf Eibeschutz remained in Altona for another three years and then departed to pursue a most unorthodox career. Jonathan Eibeschutz died a year after his son departed.⁸¹⁵

All this was known to Ezekiel Landau at the time he wrote the letter to Maria Theresa. Landau had intimate knowledge of Wolf Eibeschutz's activities because a number of his former

⁸¹³ *Hitavkut* (Altona) 39a-b.

⁸¹⁴ *Ibid.*, 53b.

⁸¹⁵ For Wolf Eibeschutz's career, see, in addition to the sources cited in note 812 above, Bernhard Beer, "Toldot Bnei Yehonatan," in M Bondi, *Michtevei Sefat Kodesh* (Prague, 1857), 75-84; Bernhard Brillling, "Eibeschutziana," *HUCA* 36 (1965) 263-264.

students were enrolled in Jonathan Eibenschutz's yeshiva at the time. In fact, we know that at least two of Landau's former students were among those who gave evidence at the Altona investigating tribunal. Jacob Emden published a full account of the scandal and of Wolf Eibenschutz's career in general in his *Hitavkut*. Among other items Emden published a letter to Ezekiel Landau by a former student of his named Pesah ben Yehoshua of Lithuania. Pesah wrote to his former teacher in December 1759 (13 Kislev תק"ט) to tell him that he had just had a close brush with heresy. Wolf Eibenschutz and especially Moshe David had tried to seduce him, to win him over to the philosophically principled antinomianism for which Sabbatianism was notorious. The pious Pesah thanked God that he had not allowed himself to be persuaded, and he now bitterly regretted ever having left Ezekiel Landau's yeshiva in Prague, where such things were, of course, unheard of.⁸¹⁶ Pesah reported how the Sabbatians had tried to persuade him by arguing that Wolf's claims were supported by his father the illustrious Rabbi Jonathan. The Turkish garb which Wolf wore during his kabbalistic sessions were those, Pesah was told, of Sabbetai Zvi himself, brought to Wolf by an angel. The clothes endowed him with magical and mystical powers. A fellow student, Jacob of Yampol, who likewise had studied previously under Ezekiel, had had a similar experience. He, too, had studied kabbalah with Moshe David, who had tried to recruit him. There were others, the cult was spreading, something needed to be done. Pesah had approached the leaders of the community, but they were too scared to act, he reported. In desperation Pesah now turned to Ezekiel Landau to raise a public outcry and have the Sabbatians expelled from the community.⁸¹⁷

Jacob Emden printed Ezekiel Landau's response. Landau declared that he was familiar with "the crazy and deluded" Wolf Eibenschutz's antics when he had traveled through Moravia

על זה דאבה נפשי אשר פרשתי מאדוני. כי בעידן שהייתי מסתופף בצלו לא נודע לי ממעשים המאוררים. ⁸¹⁶

displaying his "kabbalistic powers" to the credulous.⁸¹⁸ In spite of this Ezekiel did not wish to launch a new controversy if it were possible to avoid it. "Since it is not my way to fan strife, I will try the path of peace. I shall write to Rabbi Jonathan himself and demand that he admonish his son, expel Moshe David from Altona, and prohibit the study of the Zohar or any other part of the kabbalah to anyone under the age of forty. I believe that [Rabbi Jonathan] will follow my counsel. If he does not, inform me. In that case, well, where there is a profanation of God's name, I shall be no respecter of rabbis and I shall do all that is in my power [against them]."⁸¹⁹

Pesah wrote a second letter a month later. Respectfully but firmly, Pesah reproved his former teacher for not choosing the path of war against the Eibeschutztes. Perhaps, Pesah wrote, he had not communicated to Ezekiel Landau the seriousness of the situation, the shocking happenings; perhaps Landau did not fully believe him. Let Landau contact others in Altona in whom he had confidence, let him contact Jacob of Yampol or senior respected members of Jonathan Eibeschutz's yeshiva. They would tell him things that would make his hair stand on end. Their communications to Landau would have to remain a secret because otherwise the Eibeschutz party would take revenge on the delators. Finally, Pesah was writing to inform Landau that Jonathan Eibeschutz had not reined in his son nor had he expelled Moshe David.⁸²⁰

We do not have the letter Ezekiel Landau wrote to Jonathan Eibeschutz. Gutmann Klemperer writes that he was given a report of the letter by the famous *Wissenschaft* scholar Solomon Judah Rapoport, who had seen the letter and read it. Rapoport was chief rabbi of

⁸¹⁷ *Hitavkut* (Altona), 51-52; Virshubski, 74, 78, 82-87.

⁸¹⁸ טרם בוא מכתבם כבר שמעתי את אשר עשה הנער ובער משוגע ואיש הרוח בעברו דרך מדינת מערין אשר נשתמש בשמות והראה אותות לשוטים ומשוגעים כמותו.

⁸¹⁹ *Hitavkut* ואם לא ישמע תודיעו לי ואז במקום חלול השם לא אחלוק כבוד לרב ואעשה כל מה שבכחי. (Altona), 52b.

⁸²⁰ Ibid., 53a-b.

Prague 1840-67, and presumably saw a copy among Ezekiel Landau's papers in the communal archive. According to Klemperer, Landau wrote to Jonathan Eibeschutz that until now he had believed him innocent and had even sided with him against his opponents. However, now that he saw that Jonathan did not object to, and even supported, Wolf Eibeschutz's sacrilegious and impious activities ("das jetztike frevelhafte Treiben des Sohnes"), he, Ezekiel Landau, had changed his mind. Jonathan's activities in connection with Wolf and Moshe David had cast a terrible shadow over his reputation, Landau wrote ("auf letztern eine gewaltigen Schatten werfe").

Of course, Klemperer is rendering into flowery German the remarks of Ezekiel Landau, written undoubtedly in flowery rabbinic Hebrew; at best this is a free rendering. Nevertheless, the fact remains that as a result of the Wolf Eibeschutz affair, Jonathan Eibeschutz was definitely considered indefensible in Ezekiel Landau's eyes, and it is no surprise that when he heard of the father's efforts to remove to Prague two years after this incident, Landau should not have hesitated to intervene with the authorities and condemn Eibeschutz as a heretic and a reprobate.

At the same time, Ezekiel Landau remained wary of publicly speaking out against Jonathan Eibeschutz, keeping in mind the large and important element of the latter's former students in Prague, who venerated their former teacher as a sage and a saint unjustly persecuted by his jealous inferiors. It is very important to keep in mind that these persons were not Sabbatians; on the contrary. The Jonathan Eibeschutz they remembered was not the author of heretical tracts or the writer of suspicious amulets. To them he was, in Klemperer's words, "the peerless matador of Talmudic dialectics," a beloved teacher and a warm friend and guide.⁸²¹

Take, for example, Zerah Eidlitz, one of Jonathan Eibeschutz's more illustrious students, a leading light in Prague's rabbinical and Talmudic establishment in the mid-eighteenth century,

⁸²¹Klemperer, *Chayei Jehonathan*, 121.

whose sermon collection and Talmudic comments are republished in the yeshiva world down to the present day. Born in Prague 1725 to pious but impoverished and undistinguished parents, Zerah was orphaned at an early age. Such circumstances should have prevented him from ever having the educational or financial opportunities necessary to pursuing a life of achievement. But Jonathan Eibeschutz took the boy in, raised him, educated him, and married him off to a wealthy girl, whose family supported him in style for decades and eventually enabled him to pursue a distinguished intellectual and religious career, to even head a yeshiva of his own in Prague and to occupy a highly honored position in the community, a sincere pillar of Prague orthodoxy.⁸²²

During his years with Eibeschutz (who left Prague when Zerah was seventeen years old), Zerah Eidlitz discerned no Sabbatianism; quite the contrary. Is it surprising, then, that such a personage as Eidlitz should venerate Eibeschutz, to whom he owed everything, a man whom he considered not only his benefactor but his mentor in the study of the Torah, a man worthy, as he put it, "of being the chief rabbi of the entire Jewish people?"⁸²³ If Chief Rabbi Ezekiel Landau of Prague were to come out against Eibeschutz, how would a person such as Eidlitz have reacted? Would he have been willing to believe that his surrogate father, the seminal influence in his life, the man who guided him to a life of piety and scholarship, was a heretic? Did Ezekiel Landau really want to disillusion such a person as Eidlitz?⁸²⁴

⁸²² *Or la-Yesharim* (Jerusalem, 1995 edition), unpaginated biographical introduction. See Zerah's autobiographical remarks on page 93. According to one story, Eibeschutz not only arranged Zerah's marriage to a wealthy bride, a member of the well-connected Yerushlami family of Prague, he also arranged, when the young wife died not long after the marriage, for Zerah to marry her sister. This second marriage required adroit maneuvering on the part of Eibeschutz, see Klemperer, 355; Zinz, 260-261.

⁸²³ *Or la-Yesharim*, 86.

⁸²⁴ Eidlitz was such an enthusiastic supporter of Eibeschutz that Emden pegged him as a Sabbatian. However, even such a heretic-hunter as Scholem was forced to conclude that there

And what of the others like Eidlitz? Rabbi Meir Fischel's (1703-70), head of the senior beth din of Prague for four decades, another pillar of the Prague rabbinical establishment, a paragon of orthodoxy and an opponent of Sabbatianism, referred to his teacher Eibeschutz as "equal to Maimonides in the non-mystical branches of the Torah and equal to the ARI (Isaac Luria of Safed [1534-72], the greatest kabbalist of all time) in the mystical branches."⁸²⁵ With such enthusiastic followers who were convinced of their master's innocence, Ezekiel Landau was not prepared to plunge his community into virulent strife in order to disillusion Eibeschutz's many devotees.

Nor was it in his higher interest to do so. As Chief Rabbi of Prague it was Landau's task to promote orthodoxy of belief and as much study of the Torah as was possible. His greatest source of support for these two endeavors was the existing rabbinical and scholarly community, so many of whom had been educated to such orthodoxy and such a high level of Talmudic and pilpulistic scholarship by Jonathan Eibeschutz. To publicly expose and condemn Eibeschutz, Landau clearly seems to have felt, would undermine his goals as spiritual and intellectual leader of Prague Jewry. And it would earn him a host of enemies from precisely those ranks in which he hoped to recruit supporters and co-workers. So Ezekiel Landau remained silent.

Not that his true feelings could be fully concealed. Klemperer, as we have seen, records how Chief Rabbi Landau was dressed down by Abraham Bondy for not supporting the petition to bring Jonathan back to Prague. Elsewhere Klemperer relates that when Landau delivered his glowing eulogy over Jonathan Eibeschutz, he was criticized during his speech by members of the audience for insufficient effusiveness. "Rabbi! You must speak more ardently ("Ihr musset

was no evidence to support this charge. *Hitavkut* (Altona) 1b; Scholem, *Kiryat Sefer* XVI (1940), 335.

⁸²⁵ Klemperer, *Chayei Jehonathan*, 136.

schaerfer sprechen")! Do not forget who Rabbi Jonathan was!"⁸²⁶ Indeed, in his written record of his eulogy for Jonathan Eibeschutz, Landau stated, "I know what people are thinking about me. They are thinking that I do not really mourn over this great scholar of the Torah because of the enmity that existed between us when he was alive, and that although I am conscious of the painful loss our generation has sustained with the demise of this great man, I ought to have the propriety to mourn privately...But to eulogize him publicly? People will say, 'What happened? What changed?'"⁸²⁷ As Sid Leiman has noted, "What we have here is probably unique in the history of eulogies delivered by rabbinic scholars over other rabbinic scholars...Landau not only apologized for delivering a eulogy over...Eibeschutz, he found it necessary to justify why he was delivering a eulogy at all!"⁸²⁸ On the other hand, the nuanced and ambiguous nature of the eulogy has not deterred the Orthodox publishers of the most recent edition (Jerusalem, 2000) of Eibeschutz's sermon collection, *Ya'arot Dvash*, from including Ezekiel Landau's eulogy in a section containing various laudatory eulogies delivered by Eibeschutz's students and admirers. Apparently, the publishers, who venerate Eibeschutz's memory, wish to convey to their readers that Landau thought highly of the Altona chief rabbi, despite some personal issues between the two men. The main point is that Landau did not regard Eibeschutz as a Sabbatian.⁸²⁹ Not

⁸²⁶ Ibid.

⁸²⁷ ידעתי כי בלב אנשים עלי, חושבים הם ושלוש אין אני מתאונן על גברא רבה בתורה הזו מחמת שנאה שהיה בינינו בחיים. ואם כן, אף שאני יודע בלבי גודל הצער היזק הדור באבדון הגדול הזה, היה לי לקיים "לך עמי בא *Drushei ha-Tzlah* בחדריך" ולבכות במסתרים. אבל לעמוד להספיד ברבים "אמרו" מה יום מיומים?" (Warsaw, 1884) [photo-offset: Jerusalem, 1966], 46b. The publisher notes that only a fragment of the eulogy has survived.

⁸²⁸ Leiman, "When a Rabbi is Suspected of Heresy", 187.

⁸²⁹ *Ya'arot Dvash*, published by "Makhon Even Yisrael" (Jerusalem, 2000). Landau's eulogy is on pp. 67-68 of the introductory section.

surprisingly, Jacob Emden strongly criticized Landau for eulogizing Eibeschutz, especially for Landau's fulsome rhetorical flourish, "Oh my brother Jonathan!"⁸³⁰

Conclusion

The sources tell a complex story. Ezekiel Landau seems at the beginning of the Emden-Eibeschutz controversy to have been suspicious enough of the latter to try to obtain copies of the amulets. He was perfectly aware that the Sabbatians in eastern Poland, where he lived, were claiming Eibeschutz as their spiritual leader and rabbinical authority. They certainly believed that Eibeschutz was the author of the tracts they were studying and disseminating. At the same time Eibeschutz was hotly denying all of this, hotly supported by his numerous students and their networks, most of whom were not Sabbatians but rather pillars of their communities, of orthodoxy and of Torah scholarship. The great question facing those Jewish elites who were not simply prepared to accept Eibeschutz at his word was how to react to the charges. The Emdenites were interested in getting to the bottom of things and establishing the objective facts of the case, convinced as they were that these would expose Eibeschutz's heresy, which was their goal. They were motivated, partly by personal dislike of Eibeschutz, but also by an honest determination to prevent the contamination of Judaism by heretical ideas, as they saw them. This was one school of thought, and thanks to Jacob Emden's indefatigable literary activity, it was widespread and it is richly documented.

There was, however, another school of thought, which was more horrified by the public scandal that would follow the exposure of Eibeschutz than it was by the prospect of the latter's

⁸³⁰*Hitavkut*, 147b.

remaining in office, providing that the damage could be contained, that is, provided Eibeschutz would not continue to disseminate Sabbatianism. As long as he kept his opinions to himself and continued his successful work as orthodox/traditionalist rabbi, preacher, and pilpulistic master-teacher, it was better to take him at his word, accept whatever forced interpretations he offered, and continue to present to the world a single legitimate Judaism, backed by an unbroken front of the rabbis, especially the great rabbis, of the world. Such a monolithic bloc of Jewish scholars, backed by an equally solid bloc of lay leaders, was the strongest weapon contemporary Judaism possessed in its fight to survive in a hostile environment and particularly in its efforts to marginalize and delegitimize Sabbatianism, Frankism, and any other movement which sought to offer an alternative model of Judaism. After all, Judaism possessed no organized hierarchical religious structure as Christianity and even Islam had. It had to rely upon the consensus of its leadership elites, and in the mid-eighteenth century such consensus still existed.

To be sure, no contemporary theoretician formally articulated this point of view, but Ezekiel Landau gave it voice in his public letter of 1752 and in his subsequent actions. In addition, Landau's position accorded with traditional notions of propriety. Deeply rooted in the classics of rabbinical Judaism, Landau was, in the eyes of so many of his colleagues and contemporaries, appropriately sensitive to the problematics of publicly humiliating a public figure by exposing his disgraceful behavior, especially when the person was a Torah scholar. Rabbinical culture holds that there are values that take precedence over naked truth, particularly over truths whose revelation leads to shame or discord. Hence Ezekiel Landau's repeated calls for all sides to respect Jonathan Eibeschutz. However, protecting Eibeschutz's reputation was not merely an end in itself. It was part of a wider strategy of denying strength to the sectarians. Accordingly, Ezekiel was only willing to vindicate Eibeschutz if the latter agreed to play the role

assigned to him. Eibeschutz had to publicly condemn Sabbatianism and its writings, deny his connection with them, and refrain from teaching such doctrines to his students. When the Wolf Eibeschutz episode of 1759-60 revealed that Eibeschutz was not adhering to the deal, certainly not to the spirit of the deal, Ezekiel Landau was faced with the problem of how to react.

Although he did not publicly condemn Eibeschutz and revive the entire controversy, he did tell Eibeschutz (by letter) that he was convinced of the latter's heresy and untrustworthiness, and he did act to keep Eibeschutz out of Prague by appealing to the Empress in Vienna. If Landau did not make his opposition public, it was in order to prevent a renewal of what he viewed as a struggle whose only result was to weaken rabbinical Judaism. In addition, he dreaded provoking a reaction in his own community of Prague on the part of Eibeschutz's many admirers and students, most of whom were convinced that Eibeschutz was orthodox as well as a scholar and saint. Were a controversy to erupt in Prague it would have torn the community apart and further weakened the cause of rabbinical Judaism, in addition to making Landau's own position there excruciatingly uncomfortable if not untenable.

So Ezekiel Landau never led any charges against Eibeschutz. Had he done so, he would not have been elected rabbi of Prague, although he almost certainly would have been elected to some other important rabbinical post in Germany within a few years, and with the active support of the Emdenites. A man of his talents and connections was going to be recognized and rewarded by a system that placed a premium on such assets. But leading attacks against fellow scholars, particularly *gedolim*, was foreign to Ezekiel Landau's mentality. The lapsing of a scholar into heresy was something to be mourned and hushed up, not exposed and fought over. Landau did not inherit the zest for communal combat of his father and uncles; on the contrary, he seems to

have absorbed the lesson that strife destroyed Jewish communities, who had a difficult enough time existing in a hostile world.

Jacob Emden, on the other hand, seems to have inherited from *his* father precisely such a zest for combat when "clad in the armor of a righteous cause." Emden and Landau could not see eye-to-eye because Emden, on this occasion - unlike the controversy of 1725, when he too hushed up Eibeschutz's misdeeds - privileged truth over communal harmony while Landau had a different, more nuanced, set of values.⁸³¹ To be sure, heresy was to be vigorously combated. Throughout his career, especially during his long tenure in Prague, Ezekiel Landau was one of the most active opponents of Sabbatianism and Frankism. But his was a sophisticated, perspicacious, opposition. Blanket broadsides against suspected Sabbatians often helped the heretics. Rather, it was necessary to battle them intelligently, and in the 1750s that meant denying the Sabbatians the authority figure of a Jonathan Eibeschutz, if this was possible. In the event, this strategy was successful. As far as the great majority of the Jewish people in the eighteenth century were concerned, Jonathan Eibeschutz lived and died a revered authority, an inspiring exemplar of rabbinic Judaism, not of its heretical opponents. The Eibeschutz myth (as Landau and those like him saw it) was of great value and service to the cause of eighteenth century rabbinism, and it has indeed remained a supportive tenet of Orthodox Judaism ever since. Jonathan Eibeschutz continues to be regarded as a great scholar and saint, certainly no heretic, and this figure has inspired many to follow the paths of orthodox Torah study. Ezekiel Landau would have surely approved. He would have had no time for the historical researches of Graetz, Scholem, et al., no time for historical truth as an end in itself, especially when that truth might cause defections from the ranks and weakening of communities.

⁸³¹ Perlmutter, 37-38.

In the end, Emden and Landau talked past each other because neither could concede the correctness and certainly the wisdom of the other point of view. To Emden, Ezekiel Landau was a man who knew the truth, knew his obligation to uphold the truth in the public arena, and who failed to do so out of base careerist motives. There could be no excuse for this failure to stand up for the right. To Ezekiel Landau, Emden was so blinded by hate that he had become a kind of Samson, who would not hesitate to tear down the delicate edifice of rabbinical Judaism as long as Eibeschutz perished in the rubble. Indeed, Landau's evaluation of the issues has been adopted by modern historians of the eighteenth century, who point to the Emden-Eibeschutz controversy as one of the important causes of the weakening of rabbinical Judaism in Germany at the dawn of the modern era, specifically of the decline in respect for rabbis and Torah scholars.⁸³²

Interestingly, if there was any winner in the great Emden Eibeschutz controversy, it was Ezekiel Landau. After all, Emden did not succeed in unseating Eibeschutz, literally or figuratively. Eibeschutz was tarred by the charges and so battered by the controversy that he sought to retire to Prague, relieved to have escaped censure. The Emdenites did not gain in public esteem by their roles. Two of them died during the controversy: Aryeh Leib of Amsterdam died in 1755 and the great Joshua Falk died in 1756, having been driven from his community for his outspoken role in the controversy.⁸³³ Emden's attack on Ezekiel Landau found no support; it seems to have been completely ignored. Indeed, according to one account Landau laughingly applied to Emden the Talmudic dictum concerning mad dogs: "They bark and bark

⁸³² Graetz-SheFeR VIII, 457, 470, 524; Mortimer Cohen, 264; Chimen Abramsky, 16; Jacob Katz, *Out of the Ghetto* (New York, 1973), 148-149; Jonathan Israel, *European Jewry in the Age of Mercantilism, 155-1750* (London, 1985), 211; H.M. Graupe, *The Rise of Modern Judaism: An Intellectual History of German Jewry, 1650-1942* (New York, 1978), 65-6.

⁸³³ Horovitz, *Rabbanei Frankfurt*, 76-77.

but no one hears!"⁸³⁴ If anyone gained from the controversy, it was the young rabbi from the eastern Polish "hick-town" of Yampol, who catapulted to public attention as a result of his intervention. Within a short time the entire rabbinic world, Ashkenazic, Sephardic, and Italian, had heard of "Rabbi Yehezkel Yampoler." This notoriety was translated by Landau into a successful candidacy for the chief rabbinate of Prague, a field sufficiently broad to exercise all his remarkable talents.⁸³⁵

Final Days in Yampol

The election of Ezekiel Landau to the Prague rabbinate will be discussed in the next chapter. Here we confine ourselves to the information concerning his last days in Yampol and the winding up of his affairs there. As we have seen, as early as March 1753 Jacob Joshua Falk

⁸³⁴ Klemperer, *Chayei Jehonathan*, 120. The dictum is found in the Babylonian Talmud, Tractate *Yoma* 30b.

⁸³⁵ That Ezekiel Landau's stand was widely popular may be seen from the fact that it entered the realm of legend and folklore. It so happens that both Jonathan Eibeschutz and Jacob Emden are buried in the same cemetery in Altona, not far from each other. This droll fact is accounted for in the form of a tale, recounted by Sid Leiman:

Legend has it that on his deathbed, as his soul was departing, Jacob Emden was heard greeting his (late) father. This was immediately followed by Emden's last words as a mortal: "Greetings, Rabbi Jonathan." Upon his death, the burial society convened to settle on an appropriate gravesite for Emden's burial. In the rabbinical section of the cemetery in the Koenigstrasse in Altona, there was only one empty plot, some five graves away from that of Eibeschutz. The members of the burial society were not prepared to bury these two lifelong enemies in proximity to each other. By chance, Rabbi Ezekiel Landau of Prague happened to be visiting Altona at the time, and was asked to decide the issue. he ruled that since Emden and Eibeschutz had finally made peace with each other - as evidenced by Emden's having greeted Eibeschutz in his dying breath - it was appropriate that they be buried near each other.

of Frankfurt had been told that Landau had been elected Chief Rabbi of Prague and that Landau had publicly announced his election in Poland. This does seem somewhat early, for the letter sent to Ezekiel by the Prague *kehilah* informing him of his election is dated Kislev 515, or December 1754.⁸³⁶ It may be that Falk's letter, which was published by Emden in 1756, is incorrectly dated either in the original or in Emden's printing. In any event, Ezekiel Landau, who lived in eastern Poland, must have received official notification of his election sometime in January of 1755. Thanks to a responsum published in the *Noda BiYhudah*,⁸³⁷ we know that Landau did not depart Yampol until shortly after the Ninth of Av of that year (=July 17, 1755), which gave him seven weeks to travel to Prague in order to be there for Rosh Hashanah, the beginning of the new year (September 6, 1755); presumably the new rabbi wanted to be in his community for this religiously significant time.

Ezekiel Landau's departure from Yampol, a town which his son Yaakobka assures us he liked,⁸³⁸ is referred to by Ezekiel in a typically incidental manner, in the context of a responsum dealing with a complex halakhic case involving yet another agunah. A few days before Ezekiel Landau was scheduled to leave, he was importuned by the grandfather of a woman whose husband had disappeared. The husband, Abraham ben Judah, had left his home in Brailov, a Volhynian town of some seven hundred Jews, and had not returned. What appeared to be his murdered hacked body had been discovered in February near the town of Tschahn, although the facial features were not recognizable due to the bloody nature of the murder. Abraham's father, whom he had visited shortly before his disappearance, had given him letters to deliver to another

Sid Z. Leiman, "Mrs. Jonathan Eibeschutz's Epitaph: A Grave Matter Indeed," *Scholars and Scholarship: The Interaction between Judaism and Other Cultures. the Bernard Revel Graduate School Conference Volume* (New York, 1990), 143.

⁸³⁶ *Mofet ha-Dor*, 17.

⁸³⁷ *Even ha-Ezer* I:36.

town; these letters were found on the body. Under Jewish law such evidence is insufficient to identify a corpse; the law fears that Abraham may have given the letters to another man, and the corpse was not Abraham. Abraham's father therefore wrote to summon Abraham's wife Hannah, who might be able to identify the partially mutilated body by *simanim*, distinguishing physical marks, which Talmudic law does recognize as legal evidence.

Hannah, a poor young lady with children, was unable to make the journey; she delivered her testimony before a rabbinic court in her neighborhood. She declared that her husband had a scar next to his right forefinger. The court in Tschan, where the body was found, said that body contained such a scar, but it was on the left forefinger. Hannah also described some other scars on her husband's body, and she gave a close description of the clothes he was wearing. The local court, a small-town court composed of middling scholars, felt that the case was beyond its capacity. Such a case had to be decided by great scholars, not the beth din of a small hamlet. The court published copies of the testimony together with an appeal to the great rabbis to help the poor agunah. "Let the great scholars examine the testimony. Hopefully they will find it adequate [to declare that the corpse was that of her husband and she was no longer an agunah]."

Characteristically, the court, which was looking for some authority upon whom to rely, admonished the great scholars whose opinions they were soliciting: "If you reply, do so clearly and unambiguously, so that we may be able to rely upon your opinion."⁸³⁹

Hannah's grandfather delivered this letter to the now famous rabbi of Yampol, Chief-Rabbi-elect of Prague. He tearfully pleaded with Rabbi Landau to take up the case, and he

⁸³⁸*Divrei Yedidut*.

⁸³⁹ וכשיכתבו דבריהם אלינו יכתבו הכל מפורש בכתב באר היטב שלא ישתמע לתרי אפי ונסמוך עליהם כעל עמוד ברזל."

argued that she had really meant the left forefinger, but in her emotionally distraught state she had understandably become confused when testifying in rabbinic court.

Ezekiel Landau did not want to become involved. He was about to leave town and did not have the time to make a full and thorough study of the legal sources. Moreover, a fire had recently burned down part of Yampol, "and the books I was able to save I already sent [to Prague], for I have no residence anywhere at this time. How, then, can I answer such a difficult question without examining the legal sources. Why, I do not even have [such a basic legal code as the] *Tur* and [its basic commentary,] the *Beit Yosef*! Nevertheless, on account of the pleadings of [Hannah's grandfather], and taking into account that in this unfortunate day and age, when the scholar who has the [competence to make a sound legal case to free the agunah] will not do so unless he is paid well for his efforts, while others call themselves competent scholars yet have no real knowledge of the legal sources, I said, 'Let be what will be. I shall see if indeed I am able to find a cure for [Hannah]. However, I declare emphatically that you may not rely upon my opinion unless it is agreed to by great scholars.'⁸⁴⁰

Deprived of access to his books, under pressure of time and place, Ezekiel Landau proceeded to write out a somewhat rambling responsum, due to the fact that, as he complains, "There is so much that needs to be fully explicated here [in order to buttress my legal arguments], but time is running out and I have no books!."⁸⁴¹

Under this pressure, Landau, like a man inside a house on fire desperately trying to find a door to which his key fits, sought to discover some legal argument that would allow a court to identify the hacked corpse as the husband of Hannah. But each argument, when subjected by him

אך לגודל הפצרות מוכ"ז, והדור דור עני, יש שיש לו יד בדברי הפוסקים ואינו רוצה להתיר דבר בלי בצע כסף, ⁸⁴⁰ ובשוחד ישפוט, ויש שרוצה להתקרי חכים ואין לו יד בפוסקים, לכן אמרתי "יהי מה" אסורה נא ואראה אולי אוכל להמציא לה תרופה, ובפרט שאני גוזר שלא יסמכו עלי לחוד עד שיצטרפו גדולי הדור.

to analysis, proved to be legally unsound. He analyzed Hannah's testimony concerning her husband's body and clothes. Although ordinarily a full identification of a dead man's facial features is required by the Talmud to permit his wife to remarry, when this is not possible the law does accept the testimony of a witness concerning physical features of the dead body or possibly even the clothing, though the latter is legally problematic. Such "signs" or *simanim* are divided by the law in terms of sound evidence into good *simanim*, middling *simanim*, and inadequate *simanim*. Into which category did Hannah's detailed description of her husband's body (which did not tally with the corpse's) and clothing (which tallied exactly) fall? Try as he might, Rabbi Landau could not but conclude that her evidence was inadequate. Clearly it was not for nothing that Hanna's family had not had an easy time securing a favorable legal opinion from the rabbis of Poland.

Having unsuccessfully navigated the "sea of the Talmud" in search of a solid argument that would permit a lenient ruling, Ezekiel Landau would not give up. "I will now seek my fortune on 'dry land' to discover some cure [for this woman]." Hannah had described the clothes her husband was wearing when he had left home. Her description tallied exactly with the clothes on the corpse. This seemed a good piece of evidence. However, Talmudic law does not regard clothing as good evidence, for the missing person may have lent or sold his clothes to another man, namely, the corpse. Thus, the corpse wearing the clothes of Hannah's husband might be another man.

However, here, Landau declared himself willing to rely upon a minority opinion, that of the famous Maharal of Prague (1526-1609). The latter held that when a witness describes unusual physical features of the missing person and such features are found on the corpse, then

ויש כאן אריכות דברים כאן, והזמן בוגד וספרים אין בידו 841

even though that description in an of itself does not suffice to serve as a positive identification of the corpse, nevertheless, it can be accepted as evidence in conjunction with the description of her husband's clothing. The likelihood that someone other than the missing man would have the same scar or other body mark and also be wearing the same clothes is too remote to be significant. The letters found on the corpse also indicated that the body was that of the missing man. Even if Talmudic law regards possession of the letters as too circumstantial to be solid evidence, the letters at least indicate that the missing person intended to proceed to the address written on the letters, which is the same address to which the missing person was headed, which is another small piece of evidence that the corpse and the missing man were one and the same.

To sum up a rather complex series of legal arguments, based upon solidly and sometimes not-so-solidly adduced Talmudic and halakhic prooftexts, Ezekiel Landau declared himself prepared to string together a number of pieces of evidence, each of which was too weak to stand on its own, to create the impression that the corpse and the missing husband were one and the same, and that Hannah was therefore free to remarry, "provided that the witnesses who saw the corpse testify that it did not have a scar on the right forefinger, that Hanna officially testify that she had misspoken, and provided that you do not rely on my ruling alone, but that you secure concurring opinions from two "great rabbis (גאוני הארץ)." Specifically, Landau named Yitzhak Horowitz, rabbi of Brody, and the rabbi of Skole. "If they concur, count me in. If not, my arguments are null and void, for my books are not here, and I am writing in a hurry, as the lady's grandfather is not willing to wait a full day [before proceeding to the next town; I am given very little time to compose this responsum]. To make matters worse, I am burdened this day with all kinds of annoyances from the members of my community, for within a few days I leave this place. Each [member of the Yampol community] is anxious to take care of his personal

[financial] affairs and to conclude all of his litigations [before my court]. So I have not had the time to calmly deliberate upon this case. I rely upon the other two rabbis to critically examine and evaluate my words."

It was on this note that Ezekiel Landau ended his tenure as rabbi of Yampol.⁸⁴² It was not to be untypical, as many of his later responsa were to be written under pressure of competing demands upon his time by his community and his students. We can imagine his last days in the Volhynian town spent wrapping up his rabbinical affairs, which to him involved, as he related, concluding the cases in his docket. A week or so later, not long after the fast day of the Ninth of Av, Ezekiel Landau departed Yampol alone, accompanied only by his nineteen-year-old son-in-law. Our source for this account is the memoir of Yakobka Landau, who was about five years old at the time. Apparently, Ezekiel wanted to reach Prague in plenty of time for the month of Elul, the penitential month preceding Rosh Hashanah. Ezekiel's wife and children could not travel so quickly, so they departed sometime afterwards, traveling at a slower pace on account of the children, a telling comment on travel conditions in those days.

⁸⁴²In his article on Landau in the journal *Orient* (1848), Dr. J. Klein states that Landau left Yampol because he alienated a powerful family whose daughter had committed adultery. Landau had compelled the woman to divorce, as per Jewish law. This action on his part turned her family against him. As a result he had to leave Yampol, and that is how he came to exchange the rabbinate of Yampol for that of Prague.

This story, which Klein cited from oral history (Klein had been a student in a yeshiva in Prague in 1829-32), is obviously a case of confusion with the Brody scandal discussed in the third chapter of this dissertation. In the same passage Klein describes how Landau's reputation had been made by the publication of the *Noda BiYhudah*, but that the adulteress's family had succeeded in having the censor require that her name be removed from the second printing of the work. All of this is anachronistic confusion. The *Noda BiYhudah* was not published until 1776, twenty years after Landau had assumed the rabbinate of Prague, and it was not reprinted until the nineteenth century.

It seems, according to Yakobka, that the departure was not smooth or uneventful. "Before we reached the outskirts the city was thrown into consternation. People were wailing and bawling. We managed to escape with God's help."⁸⁴³

It is impossible to know whether this account is accurate. From the literary point of view, it is a stylized formulaic description of the departures of famous rabbis from their communities, whose members are appropriately distraught at the loss of the paragon of learning and piety. This literary theme in rabbinic literature is based upon the ancient midrashic comment to *Genesis* 28:10, the verse which describes the departure of the Patriarch Jacob from Beersheba. יציאת הצדיק עושה רושם, "the departure of a righteous man leaves a terrible void." Here too, the people of Yampol are properly distressed at the loss of their rabbi. Was it actually true? Perhaps. With the departure of Ezekiel Landau the town of Yampol recedes into anonymity; there were no noted rabbis of Yampol after Ezekiel Landau. Moreover, rabbinical history does know of cases where communities refused to permit their beloved rabbi to resign and leave; sometimes the rabbi would have to be exfiltrated under cover of darkness, disguise, or deceit.⁸⁴⁴

Thus Ezekiel Landau departed eastern Poland, where he was born and educated, never to return. He left just in time, for within a year a terrible Blood Libel would swamp the community of Yampol and lead to much suffering and death. A member of the community, Elyakim ben Asher, escaped to Brody, where an emergency meeting of the *Vaad Arba Aratzot* commissioned him to travel to Rome and secure an official statement from the Pope declaring that Blood Libels against Jews were falsehoods. Remarkably, Elyakim did just that, traveling to Rome, negotiating his way over the course of three years through the labyrinthine Papal bureaucracy, and ultimately

⁸⁴³ עוד לא יצאנו מק"ק יאמפולא, והעיר נבוכה, נהי ובכי תמרורים, ואנחנו נמלטנו בעזר יוצר הרים. ⁸⁴⁴

securing his prize. An official investigation of the Blood Libel in general, and the libel in Yampol in particular, was led by Cardinal Ganganelli of the Holy Office of the Inquisition. Ganganelli's report completely cleared the Jews. It was officially accepted by Pope Clement XIII, who instructed Ganganelli to draw up instructions for the Papal nuncio in Warsaw in accordance with his conclusions. Interestingly, ten years later Ganganelli was elected Pope Clement XIV.⁸⁴⁵

Although Ezekiel Landau was by then in Prague, he was by no means unaware or out-of-touch with these events. A letter written by Elyakim from Rome in 1758 to one Samuel Galiki, apparently of Poland, contains Elyakim's request to "please forward this letter to the Chief Rabbi of Prague. It is a matter of life-and-death."⁸⁴⁶ Although we cannot be certain to what Elyakim was referring, it probably had to do with Rabbi Landau raising money for Elyakim's mission. In any event, Ezekiel Landau was an actor in the drama that ended with Ganganelli's report.⁸⁴⁷

In spite of this "aberration," Poland had been in many respects an ideal setting for a person with Ezekiel Landau's interests, indeed, the most ideal place in the world at that time. As he was soon to discover, life in Central Europe, which must have seemed a glittering new world full of opportunity to the rabbi in the Volhynian *shtetl* (although it is fair to ask what kind of *shtetl* contained men of the caliber of Elyakim ben Asher, able to conduct sophisticated negotiations with the Curia), turned out to be somewhat of a disappointment. Before too long, the new Chief Rabbi of Prague was to look back at life in Brody and Yampol as idyllic compared to

⁸⁴⁴ Simha Assaf, *B'Ohalei Yaakov*, 61; A Yaari, *Iggerot Eretz Yisrael*, 282; Yaakov Lipshitz, *Toldot Yitzhak* (Warsaw, 1897) 9-10; Yehudah Leib Maimon, *Sarei ha-Meah* VI (Jerusalem, 1952) 72.

⁸⁴⁵ Nahum Sokolow, *Frank v'Adato* (Warsaw, 1896) 207-209; Balaban, 105-106; Cecil Roth, *The Ritual Murder and the Jew* (London, 1935), which is a translation of Ganganelli's report; Halpern, *Pinkas*, 416-439 *passim*.

⁸⁴⁶ לשלוח האגרת הלז לידי הרב הגאון אב ב"ד פראג כי הוא דבר הנוגע להצלת נפשות.

the new situation he encountered in the Bohemian capital, and he was to say so in public. Within five years Ezekiel Landau was applying for the vacant rabbinical seat of Brody, but he was not elected. He was to regret his departure from Poland, where he had been a privileged member of the rabbinic/economic aristocracy, for the rest of his life. He had not realized how good he had had it. On the other hand, in Prague he would be challenged as never before. The challenges would stretch him as Poland could never have done. He would grow in Prague as he would never have grown in Yampol. For a person of his restless energies, would he really have been happier with an easier or smoother life in Poland?

⁸⁴⁷ Halpern, 424.

Epilogue

This chapter surveys Ezekiel Landau's four decades in Prague. The attainment of such a position ought to have been the culmination of a career, a source of profound personal and especially professional satisfaction. At the relatively young age of forty, he had "climbed to the top of the greasy pole." As it turned out, however, Landau's experience as rabbi of the Bohemian capital was highly complex. To be sure, the four decades were full of achievement and distinction, in the course of which Ezekiel Landau came to be recognized as one of the foremost *gedolim*, whose permanent place in the rabbinic pantheon was secure. On the other hand, the four decades were also years of much difficulty, disappointment and bitterness, and they culminated in his last decade in the unprecedented and mortal challenges of incipient modernity, which would eventually doom traditionalist Jewish civilization in Prague and Bohemia. Ezekiel Landau would come to regret his removal from Poland to Prague.

The Challenge of a Large Community

1.

Adjustment Difficulties

By February of 1753, the Chief Rabbi of Frankfurt was reporting that Ezekiel Landau had announced that he had been elected Chief Rabbi of Prague.⁸⁴⁸ The *ktav rabbanut*, the formal contract between Landau and the Prague *kehilah*, is dated 20 Kislev 5515, that is, December 1754, nearly two years later. Apparently, once Landau was elected, he or someone acting on his behalf conducted contract negotiations with the Prague *kehilah*, negotiations which took some time to complete.

And indeed, Landau's contract, which was to be a ten-year, rather than the usual three-to-five year, contract, was impressive.⁸⁴⁹ His salary was twelve Rhenish gulden a week, with the proviso that he confined his duties to the community of Prague. If he would also secure the post of Chief Rabbi of Bohemia, an office that would not allow him to devote all his time to the Prague community, then Prague would pay him nine Rhenish gulden a week.⁸⁵⁰ Evidently, Landau was seeking the chief rabbinate of the entire kingdom of Bohemia, last held by the well-connected Rabbi David Oppenheim, who had died in 1736. In any event, within three years his salary had increased to eighteen Rhenish gulden a week, and it undoubtedly increased later.⁸⁵¹

⁸⁴⁸*Petah Einayim* 13b-14a.

⁸⁴⁹ "Rabbinical contracts almost always ran from three to five years," Assaf, *B'Ohalei Yaakov*, 57. In his responsa, the famous Rabbi Moses Sofer of Pressburg (1762-1839), refers to this custom as prevailing throughout the majority of the Diaspora (נוהגין ברוב תפוצות ישראל לכתוב שטר (רבנות על זמן, יש על שלשה שנים ויש על חמשה שנים *She'elot u-Teshuvot Hatam Sofer, Orah Hayim* (Pressburg, 1855), no. 206. Jonathan Eibeschutz at the height of his fame was given a ten-year contract by the *kehilah* of Metz, see L. Greenwald, *Beit Yehonatan* (Marmarossziget, 1908), 13.

⁸⁵⁰ כאשר יפיק רצון מה' ובני המדינה כל סביבותינו יובילו שי למורה, וגם המה יבחרו ויתנו אותו לשר ולנגיד עליהם, כאשר הלא לדעתינו בלי ספק ברצות ה' דרכי איש בבוא הנה, אז אין לו כסף מקופת קהילותינו כי אם תשעה זהיבים לכל שבוע.

⁸⁵¹ "Ketavim me-Arkhiyon Kehilot Frankfurt de-Main," [Documents from the Archive of the Frankfurt *kehilah*], *Sefunot* 8 (Tammuz, 5750), 105.

Both Klein and Klemperer, who lived in Prague a generation after Landau, report that his income there was "considerable."⁸⁵²

The Prague community also committed itself to providing Landau with a residence "worthy of his eminence and suitable to his needs."⁸⁵³ The contract explicitly stated that the residence was to be the site of a yeshiva, and that Landau was granted the privilege of conducting private religious services there. These privileges suggest that Landau was granted a spacious residence.⁸⁵⁴ On the other hand, the previous year, 1754, a great fire had devastated two-thirds of the Jewish section of Prague. Over the next decade, the Ghetto was rebuilt, thanks to over 800,000 Rhenish Gulden in loans. One of the public buildings built during this time was the communal rabbi's residence. This suggests that Landau's quarters upon taking office were temporary and not especially large, and were replaced by more spacious accommodations later.⁸⁵⁵

⁸⁵²Klein, "Zuschrift an Herrn Moses Mendelssohn," 541; Klemperer, "The Rabbi of Prague," 70. Interestingly, both agree that Landau was not rich in spite of his income, but Klein attributes this to a lavish ("grandios") lifestyle, whereas Klemperer states that Landau gave most of it away to charity.

⁸⁵³גם מחויבים לשכור לו מדור מקופת הקהל לפי צרכו ורב גדלו

⁸⁵⁴מקום שמגדלין בו תורה ורשות בידו לגדל תפילה במקום רנה של תורה. As mentioned in the second and fourth chapters of this dissertation, members of a community were expected to pray in the communal synagogue. The right to conduct prayers in one's private residence was a rare privilege, granted only to distinguished scholars and communal rabbis. See Jacob Katz, *Ha-Halakha be-Meitzar* [Halakha in Straits] (Jerusalem, 1992), 284

⁸⁵⁵For details concerning the fire of 1754 and the subsequent rebuilding, see Milada Vilimkova, *The Prague Ghetto* (Prague, 1990), 37-38. See also 40-41 for photographs of a cardboard model of Prague as it looked between 1754 and 1756, the precise moment when Ezekiel Landau arrived as Chief Rabbi. This model was created by Antonin Langweil, a miniature painter and graphic artist, in 1826-1837.

In addition to his salary the new Chief Rabbi was promised certain other emoluments, including one percent of all dowries (a half percent if the dowry was large), and "various other presents, spelled out in detail in the *pinkas* [the official record-book of the Prague kehilah]."856

In return for his salary, Landau was required to give the usual two rabbinical sermons before Passover and Yom Kippur, and to function as the supreme judge of the communal beth din or law court and rule on all matters of law, civil and religious. When he deemed it necessary, he was to issue appropriate *takkanot* (ordinances and laws) that were to be binding on the Jewish community of Prague.⁸⁵⁷

In addition to his judicial duties, Landau was to function as the official *rosh yeshiva* of the community, although there already existed a number of yeshivot in Prague. Despite the presence of other schools, as Chief Rabbi, Landau was expected to teach students in his own yeshiva, "as his predecessors, those illustrious pilpulists, had done."⁸⁵⁸ Landau was empowered to ordain students he considered worthy (subject to the consent of his colleagues on the beth din), and he could bestow both the dignity of *haver*, a kind of undergraduate ordination, as well as the dignity of *morenu*, a full rabbinic license.

One point is worthy of note here. No mention is made of the number of students Landau was to be allowed in his yeshiva. In general, we have no information on how many students the communities who hired Jonathan Eibeschutz committed to support. The number must have been considerable, considering the numerous students he seems to have taught. We do know that the kehilah of Metz committed itself to maintain twenty-five students in its contract with Aryeh Leib

856 ומלבד זה וזה אחת לאחת למצוא חשבון והמה בכתובים בפנקס הקהל באריכות. On traditional sources of income for communal rabbis, see Katz, *ibid*.

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Gunzburg in 1765.⁸⁵⁹ The community of Prague knew, of course, that Landau would open a yeshiva; however, the small space allotted to him for the purpose, a room in his residence, indicates that the number of students was not expected to be large. As we shall see, the size of the Chief Rabbi's yeshiva was to become a barometer of Landau's standing in a community which abounded in scholars and scholarly institutions and was exquisitely sensitive to fine gradations between them.

Prague was such a community. It was different than most other German communities in its unusually rich and longstanding tradition of rabbinic scholarship and schools. In the words of M. Breuer, commenting on the sixteenth through eighteenth centuries, "the chief city in the empire when it came to Talmud studies was undoubtedly Prague."⁸⁶⁰ During the entire Early-Modern era the office of Chief Rabbi of Prague was occupied by some of the greatest Talmudists and halakhists of the sixteenth, seventeenth, and eighteenth centuries, including Maharal, Ephraim Lenczytz, Isaiah Horowitz, Yom-Tov Lipman Heller, Abraham Broda, and David Oppenheim.⁸⁶¹

Of perhaps greater significance was the fact that scholarship was by no means confined to the Chief Rabbis and their circles and students. Prague had long been a community with private yeshivot maintained by private scholars and benefactors, and these yeshivot had often been filled

⁸⁵⁸The actual wording is extremely flowery: וראש שר המשקים להטות כדו, ברוך טעמו על המבוע, נחל נובע מקור חכמה, לדלות ולהשקות מתורתו, את הצאן גדיים ותיישים עדרי צאן קדשים ככל ראשי ישיבות אשר היו מימי קדם, חכמי חרשים ונבוני לחשים מחדשי חידושים

⁸⁵⁹S. Schwarzfuchs, *A Concise History of the Rabbinate*, 53.

⁸⁶⁰Mordechai Breuer, *German-Jewish History in Modern Times I* (New York, 1996), 211.

⁸⁶¹For biographies of all the Prague Chief Rabbis, see the series of articles by Gutmann Klemperer, "Das Rabbinat zu Prag seit dem Dahinscheiden des R. Loewe b. Bezalel, gewöhnlich der hohe Rabbi Loewe gennant, bis auf unsere Tage (1609-1879)," in *Pascheles Illustrierter israelitischer Volkskalender* (1881), 121-149; (1882), 124-148; (1883), 118-133; (1884), 85-129. The series was translated into English by C. Klemperer and published in *Historia Judaica* XII (1950), 33-66, 143-152; XIII (1951), 55-82.

with substantial numbers of students, running into the many hundreds if not more, all in a Jewish community of less than ten thousand persons.⁸⁶² The Maharal of Prague, for example, was the head of a private yeshiva or *kloiz* for many years before he became chief rabbi in 1598. Though he was not Chief Rabbi, he was clearly the greatest rabbinic scholar in the community; the actual Chief Rabbi, Isaac Melnik, remains an unknown.⁸⁶³ In the seventeenth century, Yom Tov Heller served as a rabbinic judge and the head of a private Prague yeshiva for a quarter century, well before he became Chief Rabbi of Vienna and subsequently of Prague.⁸⁶⁴ In the eighteenth century, Jonathan Eibeschutz was a *rosh yeshiva* for a quarter century and taught twenty thousand students, a figure grudgingly conceded by his bitterest opponents.⁸⁶⁵ If this figure is even remotely accurate, it means that every year from 1715-40 some eight hundred or so new students flocked to Prague to his private yeshiva, an extraordinary figure even for the largest Jewish community in Europe, which was not that large in absolute terms.

Nor was Eibeschutz's yeshiva by any means the only private one in the city at the time of Ezekiel Landau's election. Meir Fischel's (1703-1770), a wealthy private scholar, conducted a private yeshiva for decades attended by many hundreds of students from all over Central and Eastern Europe. Upon his death, Fischel's son Judah Loeb headed the popular yeshiva for another four decades until his death in 1808.⁸⁶⁶ Ezekiel Landau would remark that "Rabbi Meir

⁸⁶²Breuer, *ibid.*

⁸⁶³Byron L. Sherwin, *Mystical Theology and Social Dissent: The Life and Works of Judah Loewe of Prague* (London, 1982), 28-36.

⁸⁶⁴Klemperer, "The Rabbis of Prague," 53.

⁸⁶⁵ See note 669 above.

⁸⁶⁶Joseph Buxbaum, "Rabbis Meir and Loeb Fischels," [Hebrew] *Moriah* 6 no. 2-4 (summer, 1975), 15-17; *The Jewish Encyclopedia* V (New York, 1903), 400-401. Meir Fischels also served as *Rosh Beit Din* of Prague, a high judicial position second only to the Chief Rabbi.

Fischel's' combination of great wealth and high scholarship has not been seen in many generations."⁸⁶⁷

Another important private yeshiva was that headed by Jonathan Eibeschutz's protégé Zerah Eidlitz (1725-1780).⁸⁶⁸ Wealthy by marriage, Eidlitz was said to have taught thousands (certainly hundreds) of students over the course of more than three decades.⁸⁶⁹ Indeed, for a while, Eidlitz's yeshiva and lectures were better attended than Chief Rabbi Landau's, a sore point for the latter, according to Prague oral tradition.⁸⁷⁰ Such was Eidlitz's standing that, according to Prague folklore, when he hesitated to sign the *ktav rabbanut*, the official contract acknowledging Ezekiel Landau as Chief Rabbi, Landau refused to accept the proffered office. Only when Eidlitz was eventually persuaded to sign did Landau accept office.⁸⁷¹

A third private yeshiva was that of Solomon Koreff, a leading Prague magnate (1700-1774). Such was Koreff's standing that he was specifically and exclusively exempted from Maria Theresa's decree of expulsion of the Jews of Prague in 1744-5; indeed, Koreff played the leading role in conducting the negotiations with the Habsburg authorities that led to the repeal of the decree in 1748. Koreff maintained and directed his own yeshiva, which had many students.⁸⁷²

⁸⁶⁷ Landau's eulogy of Fischel's, *Moriah* 6, 19.

⁸⁶⁸ See previous chapter.

⁸⁶⁹ Introduction to the Jerusalem, 1999 edition of *Or la-Yesharim*. See also Ezekiel Landau's approbation to the work as well as Landau's remarks in *Noda BiYhudah II Orach Hayim* 122. See also the eulogy over Eidlitz recited by E. Fleckeles in the latter's *Olat Hodesh Shlishi* (Prague, 1793), 13-23. Wealthy for years, Eidlitz eventually lost all his money and lived in penurious circumstances. We have no information as to how this change of fortune affected his yeshiva.

⁸⁷⁰ Dr. J. Klein, "Zuschrift an Herrn Moses Mendelssohn in Hamburg," 524.

⁸⁷¹ Kamelhar, *Mofet ha-Dor*, 22-23.

⁸⁷² S. Ehrenfeld, "Solomon Koreff," *The Jewish Encyclopedia* VII (New York, 1904), 561. [Ehrenfeld was Chief Rabbi of Prague (1890-1912).]

In addition to these as well as other, smaller, yeshivot, Prague had nine large synagogues and numerous smaller ones.⁸⁷³ Each of these synagogues had scholars attached to them who conducted their studies and classes. Ezekiel Landau's large yeshiva would eventually be housed in the "Klaus Synagogue," the largest and finest in Prague.⁸⁷⁴ Meir Fischel's was connected with the Altschul, where he prayed and taught.⁸⁷⁵ A number of wealthy Jews maintained or endowed their own small synagogues or *batei midrash*, buildings for study and prayer, sometimes in their own houses. Simon Kuh (d. 1773), for example, a "kaiserliche Hoffaktor," provided in his will for the perpetual maintenance of two scholars, who were to teach students in part of his house.⁸⁷⁶ Later in the eighteenth century, we know of a number of *batei midrash* located in houses and maintained by wealthy benefactors, where scholarship was pursued at an impressive level. Among the more well-known of these small sites of scholarship was the *beit-midrash* of Samuel Lucka (1720-1792), where the celebrated rabbinic author Bezalel Ransburg composed his Talmudic commentaries.⁸⁷⁷ In short, the new Chief Rabbi assumed office in a community with a considerable independent scholarly establishment. Such a network of Talmudic institutions and

⁸⁷³In a sermon in 1780, Elazar Fleckeles reports that Prague has nine large synagogues and "infinite" smaller ones (ק"ק פראג. שמה תשע בתי כנסיות גדולות בניויות לתלפיות, מלבד שארי בתי כנסיות) (קטנות לאין מספר). See Fleckeles' *Olat Hodesh* (Prague, 1785), 69a. In a letter of approbation to a collection of sermons, *Eretz Zvi* (Prague, 1786), Ezekiel Landau likewise refers to the author as one "who had preached in all nine synagogues of our community (דרש בכל תשעה בתי כנסיות) (שבקהלתנו)."

⁸⁷⁴Leopold Loew, *Gesammelte Schriften* II (Szegedin, 1890), 230-231. On the Klaus Synagogue, see S. Ochser, "Prague," *The Jewish Encyclopedia* X (New York, 1904), 159.

⁸⁷⁵"Meir Bumsla Fischels," *The Universal Jewish Encyclopedia* IV (New York, 1941), 316. The Altschul was one of Prague's leading synagogues, dating back to the fourteenth century, see Ochser, *loc. cit.*

⁸⁷⁶Klemperer, 75; Kestenbergl-Gladstein, 139-141.

⁸⁷⁷Joseph Buxbaum, *She'elot u-Teshuvot Rabbi Bezalel Ransburg* (Jerusalem, 1980), "Mevo" [biographical introduction], 33.

scholars made Prague an attractive center for the scholar who craved high-level intellectual intercourse with competent colleagues. In this sense Prague was a pilpulistic paradise.

However, the presence of so many scholars was also a difficult challenge for a Chief Rabbi. The position of Chief Rabbi or communal rabbi was not a formal one in the Jewish religion, which does not have an ecclesiastical hierarchy (other than the priests in the ancient Temple in Jerusalem). The pronouncement or ruling of any rabbi, including a Chief Rabbi, has no formal legal power as such. As Jacob Katz notes, "unlike those of a Catholic priest, a rabbi's rulings were not issued *ex officio* on the basis of institutional authority."⁸⁷⁸ On the other hand, halakha, the law of the Torah, did have formal authority. Thus, Jews considered themselves formally bound by their religion to obey the halakha, but there was no group *formally* authorized to decide what the halakha was, or more accurately, to apply the halakha to specific situations. Of course, a group of halakhic experts, the rabbis, did arise over time and gained acceptance as halakhic authorities, but only in their capacities as scholars of the law, not as religious authorities in and of themselves. Since their authority derived from their perceived knowledge, the rulings and pronouncements of the rabbis could always be challenged, as any piece of scholarship can be challenged. Indeed, rabbinical rulings and legal decisions were often challenged and had to be defended by their authors. No rabbi, even the most eminent, could claim infallibility. Ezekiel Landau himself did not hesitate to proclaim in a public sermon in Prague in 1767 that "even the greatest rabbis in Israel occasionally err in their halakhic rulings."⁸⁷⁹

Thus, every communal rabbi was subject to constant scrutiny and criticism by other scholars in the community. Whenever he issued rulings and decided matters of law, whenever he

⁸⁷⁸Katz, *Tradition and Crisis*, 143.

lectured on talmudic subjects, he was aware that his every word could be attacked on scholarly grounds, and if he was unable to defend himself his prestige would be fatally sabotaged and his position as communal rabbi rendered untenable. If the communal rabbi had personal enemies or rivals, he could expect to have his rulings and pronouncements attacked, though the criticism had to be couched not in terms of personal jealousy but in terms of objective criticism of the rabbi's scholarship.

It must be stressed that this phenomenon was basic to rabbinic culture and reflected the unique position of the communal rabbinate as a combination of formal religious leadership and purely objective scholarship, the former deriving from the latter. Anyone not willing to expose himself to scholarly criticism, anyone not prepared to defend in writing his every pronouncement, had no business becoming a communal rabbi.

If this was true of the communal rabbinate in general, it was doubly so in a city like Prague, where a large and active scholarly community had a history of challenging the decisions of the Chief Rabbis. In the seventeenth century, Chief Rabbi Aaron Simon Spira ruled that certain *etrogim* (citrons used as part of the religious ritual on the festival of *Sukkot*) were disqualified from use in the ritual because they grew on trees that were not pure citron but were grafted with other fruit trees. A number of Prague scholars who were "powerful and well-connected" (תקיפי ואלמי ארץ) challenged this ruling. They took advantage of the presence in Prague of Rabbi Shabbetai Cohen of Vilna, author of a seminal and authoritative commentary on the *Shulkhan Arukh*, one of the preeminent rabbis of the day. The opponents of the Prague Chief Rabbi persuaded Cohen, who was passing through, to rule that the *etrogim* were not disqualified

⁸⁷⁹ אף לגדולים בישראל אירע לפעמים שגגת הוראתם, *Derushei ha-Tzlah* (Jerusalem, 1966), 43b. Landau is referring to a legal decision of the beth din of Frankfurt in the controversial case of the divorce executed in Cleves.

in cases of necessity. The cantor in the *Altneuschul* proceeded publicly to use the *etrog* in the service, obviously based on the perception that the Chief Rabbi had erred, as evidenced by the contrary ruling of Cohen, who was held to be a greater scholar.⁸⁸⁰

In the eighteenth century, Prague's Chief Rabbi David Oppenheim (1705-1737), ruled that certain animal fats which the Shulchan Arukh had declared kosher were not kosher. This ruling was vigorously challenged by Prague scholars, including the young Jonathan Eibenschutz, who conducted a yeshiva with a much larger enrollment than that of the Chief Rabbi.⁸⁸¹ Perhaps even more cutting, when a halakhic controversy arose in 1708 concerning the request of a Prague widow to remarry, due to unusual circumstances, without waiting 24 months after the birth of her child as required by Jewish law, Chief Rabbi Oppenheim was not even consulted, at least so it seems. Rather, the discussions and legal debates over the issue were carried out by other Prague scholars, notably Rabbi Abraham Broda (1640-1717), a famous scholar (he was subsequently Chief Rabbi of Metz and then Frankfurt), who conducted an important yeshiva in Prague, and by the chief Rabbi of Altona, Hakham Tzvi Ashkenazi.⁸⁸²

These incidents indicate how uncomfortable it could be for a Chief Rabbi to live in a community which included scholars who were themselves capable of being Chief Rabbis and who often did in the course of their careers become Chief Rabbis. Unless the reigning Chief Rabbi was somehow able to co-opt the other scholars, his position was never going to be

⁸⁸⁰Yaakov Reischer, *She'elot u-Teshuvot Shevut Yaakov* I (Halle, 1710), no. 36; Klemperer, 145-146. Reischer was Spira's grandson. He relates that when the cantor began to recite the blessing on the controversial *etrog*, it slipped from his hand and broke on the ground, providing divine support for the Chief Rabbi. Shabbetai Cohen, for his part, regretted his intervention, retracted his own ruling, and apologized to Spira.

⁸⁸¹J. Eibenschutz, *Kreiti u-Fleiti* (Altona, 1765), 64:6; Klemperer, 149; David Zinz, *Gedulat Yehonatan* I (Pieterkov, 1930), 8.

comfortable. Any important slip, any significant halakhic error, could fatally undermine his moral position and compel him to resign and seek office elsewhere.

In addition to the leading scholars, the general community of local scholars, those of lesser stature, could also be a source of annoyance to the communal rabbi. A community like Prague obviously boasted numerous scholars of this type. If an unlearned householder, a non-scholar who was a member of the community, had a legal question to submit to the Chief Rabbi, he could easily commission a learned opinion or brief arguing in favor of a result desired by the person who had hired the opinion. In practice, the Chief Rabbi could not deal with the question on his own, weighing the law at his leisure strictly on its merits. Instead, the questions were accompanied with the desired and expected answers, so that if the Chief Rabbi did not agree with the proffered brief he had to explain why. In short, it put the Chief Rabbi on the defensive, an uncomfortable spot for the figure who was supposed to be the supreme legal authority in the community.⁸⁸³

Interestingly, this was one form of annoyance which, we are told, did *not* bother Ezekiel Landau when he became Chief Rabbi of Prague. Trained as he was in a culture of vigorous pilpulistic contest and disputation, Landau was undaunted by questions framed in such a way as to suggest and elicit certain answers. "He considered it nothing less than a pleasure" to tear apart the briefs, point out the errors in reasoning they contained, and offer his own ruling.⁸⁸⁴

Still, the large number of scholars could not help but complicate the position of the Chief Rabbi, particularly when they acted in ways he considered inappropriate and thereby set a bad

⁸⁸²Zvi Hirsch Ashkenazi, *She'elot u-Teshuvot Hakham Tzvi* (Amsterdam, 1712), no. 65; Jonathan Eibeschutz, *She'elot u-Teshuvot Benei Ahuvah III* (Prague, 1819), no. 10; Klemperer, 150.

⁸⁸³Leopold Loew, 240

⁸⁸⁴*Ibid.*

example for the rest of the community, who could ignore or challenge strictures of the Chief Rabbi by pointing to the example of the scholars. After all, if scholars did it, how prohibited or inappropriate could a practice be?

Thus, when Chief Rabbi Landau was asked whether a Jew could drink coffee in a gentile coffee-house, he responded negatively that the coffee was not kosher. Actually the coffee itself was kosher, but the milk with which it was mixed was not. Even if the Jew's coffee was not mixed with milk, other customers did drink it mixed with milk, and even though the cups were washed after use, the milk is legally viewed as having been absorbed into the cup due to the heat of the coffee. Under similar conditions of heat (a new cup of coffee), the absorbed substance can be readmitted into the new cup of coffee, rendering it non-kosher.⁸⁸⁵ The questioner pointed to the fact that talmudic scholars in Prague did frequent gentile coffee-houses and drink the coffee, which seemed to indicate that Landau's reasoning was faulty. Landau angrily responded:

Your Excellency should know that while they may be scholars they are not pious [literally: they do not have fear]. They are light-headed [i.e., irresponsible]. As far as the strict letter of the law is concerned, [there may be grounds for leniency in certain situations such as] when one is on the road and there are no other cups...but in a city where there are Jewish [i.e., kosher] cups it is definitely prohibited...I have spoken about this matter here in Prague. The distinguished Rabbi Meir Fischel's responded by arguing that perhaps [the local scholars] are lenient because they do not believe that the milk is really non-kosher...⁸⁸⁶ Even in our community those scholars who are pious are careful not to drink coffee in gentile establishments. Indeed, even non-scholars who have some basic

⁸⁸⁵Halakhically, there are two types of heat, *kli rishon* and *kli sheni*. The former is more intense and occasions greater legal stringency. When the heat of the coffee was *kli rishon*, there were no grounds for leniency. If the heat was *kli sheni*, there were such grounds, though Landau nevertheless maintained that it was proper to be strict and abstain from coffee cooked with non-kosher milk.

⁸⁸⁶Cow's milk and goat's milk are kosher. The milk of pigs and other non-kosher animals is not kosher.

knowledge are careful in this matter. I do not have the power to issue a public protest [forbidding the practice] because [the public] sees that some bad people are lenient.⁸⁸⁷

The "some bad people" [literally: persons who are not elevated] were of course the local Talmud scholars. The Chief Rabbi could not convince the public that something is categorically prohibited if scholars themselves did it. If it is not clearly prohibited by law, then abstaining from coffee becomes a matter of personal piety, personal choice. Those who chose to abstain did so, and many, scholars and "non-scholars who have some basic knowledge" or "who have the knowledge of the yeshiva" (both translations are possible), did abstain. But many, perhaps most, of the broad public did not wish to practice this pietistic abstention. They were not interested in the Chief Rabbi's opinion of what is appropriate. They want to know what is legally prohibited and what is not. They would decide for themselves which pietistic practices they would incorporate into their lifestyles.

Not surprisingly, the scholars criticized by the Chief Rabbi reacted by criticizing Landau for *his* shortcomings, as they perceived them. Though there is no record of their reaction to his coffee-criticism, there is a record of their reaction to another, similar, criticism of Landau's at a later date. In a 1777 pre Yom Kippur sermon, Landau, as was the custom, criticized his community for various ritual shortcomings, including the eating of pretzels without ritual washing of hands beforehand, as the law requires with certain types of baked foods. Here too

ומה שהשיב לו המשיב שבפראג שותין בני תורה בבתים של אינו יהודי, ידע רום מעלתו אם הם בני תורה אינם בני יראה, והמה קלי דעת. ולהלכה למעשה: בדרך באושפיזא ודאי אסור ואם מערה מכלי ראשון אפילו בדיעבד אסור. וכבר דברתי מזה פה. והשיב הרב המאור הגדול מוהר"ר מאיר פישלש שאולי מקילין הואיל ולא שכיח חלב טמא... גם בקהלתנו הלומדים היראים נוהרים מלשותות בבית אינו יהודי. ואפילו בעלי בתים שיש להם ידיעת בית רב נוהרים מזה. *Noda BiYhudah I Yoreh Deah* 36. ולמחות בהמון אין כח בידינו אחרי שרואין קצת אינשי דלא מעלי מקילין. In a sermon delivered during the same era, Landau criticized other ritual laxities in connection with coffee. "I myself have seen a glob of milk on the spouts of coffeepots, and [Jews] drink from this while eating meat." [והמה, ומה] [שותין בו באמצע אכילת בשר *Derushei ha-Tzlah*, 51a).

some of the local scholars did not bother to do so, a fact Landau explicitly mentioned in the sermon. This public rebuke angered the scholars, forcing Landau to defend himself in another sermon the next day:

Woe to me if I say anything, woe to me if I do not! If I do not, I do not fulfill the commandment of the Torah (*Leviticus* 19:17) to rebuke [those who do wrong]. If I do speak out, it makes matters worse, for the focus of my admonition was the sin of causeless hatred, and my sermon has stirred up just such hatred! The Heavenly Judge is my witness that when I criticized those who eat *pretzlach* without first ritually washing their hands, and when I remarked that some scholars are lax in this matter, I did not intend to insult anyone, but to repair a breach [in religious praxis]...I did not single out anyone by name. Yet now I hear behind the scenes that for this, too, their "eyes are opened" and that they accuse me of intending to insult them!...I reiterate that I did not refer to any specific person, but as far as eating *pretzlach* without first washing the hands I say openly that no one should listen to anyone who counsels laxity in this matter. It is not I but the *Shulhan Arukh* that admonishes you in this matter! In a matter involving the law I will show consideration to no man!⁸⁸⁸

These remarks indicate the tension that could exist between a Chief Rabbi and Torah scholars who lived in his community. The latter could express their resentment of the Chief Rabbi's criticisms by denigrating the critic, and thereby undermining the moral, if not the legal, authority of the Chief Rabbi. In taking on such a community of opponents, a Chief Rabbi had to be sure of his own scholarship. Once challenged or provoked, local scholars would fall upon the Chief Rabbi's ruling and subject it to the most minute scrutiny. If it could be contradicted, or better yet, shown to be in error, the Chief Rabbi's position could be irreparably damaged.

⁸⁸⁸ אוי לי אם אומר, אוי לי אם לא אומר. שאם לא אומר, עובר אני על מצות עשה דאורייתא הוכח תוכיח, ואם אומר, 888 מגרע גרע. שעיקר תוכחתי על שנאת חנם, ועל ידי הדרוש מתעורר שנאת חנם ביותר. ונאמן לי הדיין שמה שאמרתי אתמול בתוכחתי על הפרעצלאך שאוכלין בלי נטילת ידים, ואמרתי "גם קצת מהלומדים מקילין" - לא היה כונתי לקינטור, רק לתקן הפרצה. ושלא יקילו ראשם עוד. והלא לא פרטתי שום אדם. ועכשיו שמעתי מאחורי הפרגוד שגם על זה פקחו עיניהם ולתלות בי שדעתי לבזותם חס ושלום...ועוד פעם אני מתנצל שחס ושלום אין כונתי לשום אדם. אמנם בגוף הדבר באכילת פרעצלאך בלי נטילת ידים אני אומר בפה מלא "לא תאבו ולא תשמעו לשום אחד מהמקילין *Drushei ha-Tzlah*, 33-34. בדבר". והשולחן ערוך הוא המוכיח בדבר. ובדבר הנוגע לדין לא אשא פני איש.

As it happens, this did not happen to Ezekiel Landau, who was, after all, a world-class halakhist. However, his moral authority was damaged to some degree, or at least Landau was convinced of this. In a 1763 sermon delivered on the Sabbath before Yom Kippur, Landau publicly vented his frustration with the sniping of some of the Prague scholars:

It is not homiletics that counts, but action! That is the goal of my sermon. What do I gain [by displaying my prowess in] ingenious interpretations and [elegant] sermons? I know very well that there are [in Prague] preeminent scholars who know how to [preach and lecture] pilpulistically with much wisdom, and that these men do not need my Torah! If [they think that I preach] in order to gain a reputation among the masses, I know very well that there are many who will say, "What new insight did the Chief Rabbi produce? He says things that even very young students already know. All of his pilpul consists of [his lectures on the talmudic mnemonic] *ya'al kegam*⁸⁸⁹, according to the style of Poland." As if the Jews of the Bohemian Lands have a different Torah! However, I forgive my critics for all this...As much as they denigrate me in the eyes of the masses, they do not know a third or a fourth of what I know about my own flaws. I hope that [this denigration and public humiliation] will serve to atone for my sins. No, the main thing about their insults that distresses me is that I see that [as a result of their denigration] my *mussar*, my annual admonitions, are not accepted, and the more I admonish, the greater grow the breaches. This is all due to the fact that I am held too much in contempt for them to accept my words. But this is not fair! You yourselves see that I do not admonish you in any matter concerning my own honor. It is all for the honor of heaven!...I really ought to hold my peace and be silent, since I see that I did not bring about any improvements in past years. I know full well that year by year I am held more and more in contempt as a result of secret slanderers who find their honor in my disgrace. However, I cannot be free of doubt that among some of this large crowd...there must be some into whose hearts my words will enter and who will think of repentance. It is they whom I seek!⁸⁹⁰

⁸⁸⁹See the fourth chapter of this dissertation for Landau's pilpulistic sermons on this subject in Yampol.

⁸⁹⁰לא המדרש הוא העיקר אלא המעשה. וזהו עיקר כונת הדרוש שלי. כי מה בצע בפשטים ובדרשות? ידעתי כי יש גדולי ישראל שיוודעים לפלפל בחכמה ואינם צריכים לתורת. ידעתי ימצאו כמה וכמה יאמרו "מה חידש הרב? ודבר אשר אפילו תינוקות יודעים. וכל פלפולו הוא ביעל קג"ם על פי מנהגי פלניא." כאילו בני מדינות הללו יש להם תורה אחרת! אבל כל זה אני מוחל להם...וכל דברי גנאי שמגנים אותי בפני ההמון, עדיין לא הגיעו לשליש ולרביע מה שאני יודע נגעי עצמי. והלואי יהיה לי כל זה לכפרת עון. אבל עיקר הדבר אשר רע בעיני על בזיוני הוא מה שאני רואה שדברי מוסר שאני מוכיח מידי שנה בשנה אינם מתקבלים, וכל מה שאני מוסיף במוסר, הפרצות מתגברות יותר ויותר, וכל זה בשביל שאני נבזה בעיניהם מלקבל דברי. אבל לא כן מידת היושר. הלא אתם רואים שאין אני מוכיח על דבר הנוגע לכבודי, כי אם על כבוד שמים...ומהראוי היה לי לאחוז בפלך השתיקה אחרי רואי שלא הועלת מאומה בשנים שעברו. וידעתי שבכל שנה ושנה אני נבזה נמאס יותר בעיניכם על ידי מלשני בסתר המתכבדים בקלוגי, אך מידי ספק לא יצאתי, אולי בהמון כזה, כל העדה כולם קדושים, אם ימצאו קצתם שרגע אחד יכנסו דברי בלבותם מידי ספק לא יצאתי, אולי בהמון כזה, כל העדה כולם קדושים, אם ימצאו קצתם שרגע אחד יכנסו דברי בלבותם! ויהרהרו בתשובה. ואותה אנו מבקשים! *Drushei ha-Tzlah*, 29-30.

A third area of friction between the Chief Rabbi and local scholars involved the Jewish communal court system. The formal title of the Chief Rabbi was *Av Beit Din*, the "father" or chief of the Jewish communal court (the Hebrew translation of Chief Rabbi, *Rav Rashi*, was not used in the pre-modern era). As such it was the task of the Chief Rabbi to direct and oversee the communal court system, both in terms of seeing to its proper functioning and in terms of ensuring that members of the Jewish community adjudicated their cases before those courts and not before any others. The "any others" included the non-Jewish courts, recourse to whom was strictly forbidden any Jew under Biblical law. Although over the centuries Jews did indeed repair to such Gentile courts often enough, the rabbis and the communal leaders waged a centuries-long struggle to prevent this.⁸⁹¹

There were, however, other, Jewish, alternatives to the communal courts, and the relationship of the Chief Rabbi and the kehilah authorities towards these alternatives was more complicated. These alternatives were (Jewish) courts of arbitration and lay-courts. Jewish law clearly sanctions ad hoc courts of arbitration. The usual procedure is that each litigant chooses one judge out of three (Jewish courts have three judges), and the third judge is chosen by the two judges or by mutual agreement between the litigants. Because Jewish law recognized both communal courts and arbitration courts, Early-Modern Jewish communities usually regulated the prerogatives of both systems. In some communities, certain types of cases were reserved to the communal courts, others to arbitration courts.⁸⁹² According to the *Shulhan Arukh*, a litigant had

⁸⁹¹For a historical survey of this issue, see Simha Assaf, *Batei ha-Din ve-Sidreihem Aharei Hatimat ha-Talmud* [Jewish Courts in the Post-Talmudic Period] (Jerusalem, 1924), 11-24.

⁸⁹²For a discussion of this issue, see Assaf, *Batei ha-Din*, 54-57. For a specific example of such communal regulations, see Meyer Balaban, "Die Krakauer Judengemeinde Ordnung von 1595 und ihre Nachtraege," *Jahrbuch der juedische-literarischen Gesellschaft* X (1912), 331-334.

the right to insist on recourse to the communal court even if the other litigant preferred arbitration.⁸⁹³ However, it was generally conceded that if both litigants preferred arbitration, they could submit their cases to such ad hoc tribunals, provided those tribunals followed communal regulations governing their operations.

In his annual laundry-list of criticisms of community practice, Chief Rabbi Landau did criticize certain aspects of the Prague arbitration system, though not the system itself, which was, as mentioned, fully legal. Landau's criticism had to do with defects in their operations, specifically the fact that the third judge was chosen by the two other judges without consulting the litigants. Sometimes the two judges did not even bother to appoint a third judge but hammered out a compromise on their own. These procedures, Landau argued, violated the technical terms of the arbitration documents used in Prague, which assured the litigants three judges and the right to be consulted on the choice of the third judge.

This was more than a mere technicality, and more than a general statement. It was a criticism of local scholars, for it was from their ranks that litigants chose their judges; it was they who had the necessary legal knowledge to serve effectively on such courts. Landau blasted the scholars for their attitudes in their capacities as judges:

The third judge must be appointed with the consent of the litigants, and they must be sure to appoint a third judge. This is especially necessary because there are so many unscrupulous individuals [who are hired as judges], judges who act as attorneys [rather than impartially as judges].⁸⁹⁴ [As a result] the litigant does not repose confidence in the judge he has chosen. Rather he relies upon [the judicial impartiality] of the third judge. Because the litigant is not consulted concerning the third judge, he is not happy with the arbitration tribunal, and he ends up taking

⁸⁹³*Hoshen Mishpat* 3:1.

⁸⁹⁴A reference to the mishnaic statement that judges may not act as attorneys (*Avot* 1:8).

his case to the non-Jewish courts. As a result, justice [in the Prague Jewish community] is damaged.⁸⁹⁵

Thus, the scholarly community of Prague contained individuals publicly branded as unscrupulous and arrogant, a withering criticism which cannot have endeared the Chief Rabbi to at least some of his fellow rabbinical scholars. In addition, private courts are by implication compared unfavorably to the official communal courts, which are directly under Landau's supervision and which do not suffer from such defects.

If Prague's official communal courts were favorably compared by Landau to ad hoc arbitration tribunals composed of private scholars, they were certainly to be preferred to another Prague phenomenon: lay courts. Courts composed of laymen judging according to common sense and perhaps local precedent were not new. In the thirteenth century the great Spanish halakhist Solomon ibn Adret had justified their use in tiny communities in which there were no rabbis or scholars. Better Jewish lay courts than recourse to gentile courts! Ibn Adret's view had been included in the *Shulhan Arukh*. The problem was that many communities favored such courts even where there existed competent judges and communal courts. In this environment lay courts were competitors with communal *batei din* composed of rabbinical scholars operating under formal Jewish law.

To Chief Rabbi Ezekiel Landau such a situation was scandalous. Non-halakhic courts sanctioned by a Jewish community were an anomaly. A *kehilah* derived its legitimacy from the very halakha that was being bypassed in favor of lay courts. Landau was very aware that the very idea of a lay non-halakhic court implied a defect with the official rabbinic court and indeed with

השליש יהיה ברצון הבעלי דינים. ודוקא יבררו שליש. ובפרט דשכיח גם כן אינשי דלא מעלי ועורכי הדינים,⁸⁹⁵ והבעל דין אינו בטוח בבורר שלו, ועיקר סמכותו על שליש נאמן דבר. ועבור זה שאינם שואלים דעתו על השליש אינו *Drushei ha-Tzlah*, 16. מתרצה על בוררים, ודנין בערכאות. ולקתה מידת הדין

the manner justice was administered under his, Landau's, supervision. It represented a conviction that lay courts were fairer, more just, than the official halakhic courts, and perhaps even that lay justice, "common-sense," was more equitable than the law of the Torah, God's law. The insult to the Chief Rabbi and to the law he represented was very grave, and Landau's public remarks reflected this:

The pillar of justice is tottering!⁸⁹⁶ What is there to say [by way of justification]? They have simply cast off the yoke of the Torah from their necks! What can I say to the public when "it is the officers and prefects who have taken the lead in this trespass?"⁸⁹⁷...Do you really think that when [the prophet Isaiah] said, "Zion will be redeemed through justice," he was referring to *piskei ba'alei batim*, lay courts, most of whose verdicts are tainted by favoritism, bribery, or other [unworthy] intentions?...This [attitude of contempt for rabbinic courts] is [spiritually] responsible for the terrible tax burden that lays heavy upon our necks, for whoever rejects the yoke of the Torah is subjected to the yoke of the [gentile] government!...In truth, in the long history of the Diaspora I have never heard of such a heavy tax burden as [that imposed upon the Jews] in this land of Bohemia. However, I have also never heard of any land in the Diaspora in which the civil laws of the Torah are held in such contempt and where [litigants] rejects [rabbinic] justice as is the case here!⁸⁹⁸

As these many quotations indicate, being elected Chief Rabbi of a community did not mean that one thereby attained charismatic (as opposed to formal) authority over one's community, particularly over those members of the community who were themselves scholars and who therefore considered themselves capable of critiquing the Chief Rabbi's rulings and practice. This was particularly true when a Chief Rabbi sought to interfere in existing practices

⁸⁹⁶A reference to the mishnaic dictum that the world stands on three pillars, justice, truth, and peace (*Avot* 1:18).

⁸⁹⁷From *Ezra* 9:2.

⁸⁹⁸התמוטות עמוד הדין. מה נאמר ומה נדבר? פרקו עול התורה מעל צוארם. ומה אדבר מהמון עם, ויד השרים וסגנים במעל הזה...הכי אתם סוברים שמה שנאמר "ציון במשפט תפדה" היינו פעקי בעלי בתים? אשר רוב פסקיהם בשביל איזה פניה או בשביל שוחד דמים או לכובה אחרת...והנה זה גורם עול המס הכבד אשר הכשיל צוארינו, כי הפורק ממנו עול תורה נותנים עליו עול מלכות...ובאמת בכל גלות ישראל מעולם לא שמעתי מס כבד כמו במדינה זו בעהמען. *Drushei ha-Tzlah*, 16. אם גם לא נשמע בכל גלות ישראל שיהיו משפטי התורה נבזים ופוקרים בדין כמו כאן

of the scholars. The latter could not help but view such interference as criticism of their knowledge and especially their piety. Since knowledge and piety were the two most valuable assets of the scholars in the eyes of the community, such denigration threatened the scholar's entire standing in that society. It is not surprising that they would react by counterattacking the Chief Rabbi where they could. To Chief Rabbi Ezekiel Landau such opposition hurt, especially in a community such as Prague, which contained a large scholarly element. The situation was barely tolerable. Either they would bring him down, or he would master them, or he would win them over.

In the specific case of Prague, the new Chief Rabbi faced other problems, unique to his situation. First of all, there was the hovering presence of the absent Jonathan Eibeschutz. Although Landau had publicly defended Eibeschutz, rendering the latter great service, it was not difficult for anyone who read Landau's letter of 1752 to discern that Landau did suspect Eibeschutz of secret Sabbatianism. The very ambiguity of Landau's public stance had been interpreted positively, as a masterful finessing of a very delicate matter. That same ambiguity could be interpreted negatively, as a slippery attempt to curry favor with both sides. Landau's election indicates that a majority of the Prague Jewish electors were neither strong supporters nor strong opponents of Eibeschutz, and they clearly interpreted Landau's letter and public stance positively. On the other hand, the passionate partisans of Eibeschutz and Emden were, in the words of a near-contemporary, equally dissatisfied.⁸⁹⁹

Certainly, Eibeschutz's supporters viewed Landau as a discrete opponent of their leader. There was a considerable Eibeschutz faction in Prague. They had tried to have Eibeschutz elected Chief Rabbi of Prague back in 1750, but were unable to do so in the face of an equally

⁸⁹⁹Leopold Loew, 229.

strong anti-Eibeschutz faction.⁹⁰⁰ The same thing happened in reverse in 1752, when the anti-Eibeschutz faction sought to elect Aryeh Leib Loewenstamm, a partisan of Emden. At the time of Landau's election, two of Eibeschutz's sons, Judah Leib and Nathan Nata, and a son-in-law, Mordechai Bondi, were living in Prague.⁹⁰¹ In addition, a number of important community leaders and scholars were warm adherents of Eibeschutz, including such *rashei yeshiva* as Solomon Koreff, Meir Fischels, and Zerah Eidlitz, who as we have seen were renowned for their piety as well as their scholarship. Reminiscences based on local oral tradition published in 1830 by Judah Jeiteles of Prague (1773-1838) and in 1848 by Julius Cohen, a yeshiva student in Prague in the late 1820s, relate a number of stories concerning the enmity these men as well as others displayed for Landau because they resented his attitude towards Eibeschutz. These stories have as their common theme a series of witty attempts to undermine or challenge the new Chief Rabbi, Ezekiel Landau:

1.) At Landau's first session with the judges of the Prague beth din, Landau's chair wobbled and leaned to the left, causing Landau to constantly shift uncomfortably from one side to the other in his chair. At this, Solomon Koreff, one of the judges and a disciple of Eibeschutz, remarked, "Is there a problem with the chair? Is the rabbinical seat perhaps too high for you?" To this Landau replied, "No, the table is too low!"⁹⁰²

2.) On his first Sabbath in Prague, Landau delivered a pilpulistic talk to Prague's scholars. In the course of his remarks, he was challenged by Ephraim Wehle, a wealthy and learned silk-merchant who was an expert in the works of Maimonides. As Landau was making a

⁹⁰⁰David Kahana, *Toldot ha-Mekubalim, ha-Shabtaim, ve-ha-Hasidim* (Tel Aviv, 1927), 26.

⁹⁰¹Zinz, *Gedulat Yehonatan*, 53-54; 187.

⁹⁰²Judah Jeiteles, *Bikkurei ha-Ittim* 11 (1830), 37.

point, Wehle exclaimed from the audience, "Your point is contradicted by an explicit passage in Maimonides' law code, which states such-and-such." For Landau to present a *hiddush*, an original pilpulistic insight, without being aware of an explicit contradictory statement of so eminent an authority as Maimonides was a serious failure of scholarship and highly embarrassing, particularly in a young, newly-elected Chief Rabbi. Humiliated and surprised at himself for having never heard of this passage, Landau went home and read through the fourteen books of Maimonides' code without coming across the passage Wehle had quoted to him. "Where is the passage you cited?" he asked Wehle embarrassedly. "I made it up," said Wehle, "but it does not speak well for your scholarship that you could not tell!"⁹⁰³

3.) At the time of Landau's arrival in Prague, thirty-year-old Zerah Eidlitz outshone Landau as a Talmud lecturer. At least, Eidlitz's lectures were better attended than the new Chief Rabbi's. If this fact alone was not sufficient cause for acute embarrassment on the part of Landau, the Chief Rabbi's ill-wishers made it a point to tell him every day about Eidlitz's brilliance and what a wonderful scholar and teacher he was, happily pouring salt on Landau's wounds. The Chief Rabbi's embarrassment provoked his supporter, the powerful lay head of the Prague Jewish community, to punish Eidlitz by increasing his taxes.⁹⁰⁴

⁹⁰³Julius Klein, "Zuschrift an Herrn Moses Mendelssohn in Hamburg," *Literaturblatt des Orients*, no. 33 (1848): 541. Eventually, the two men became close friends and Wehle's two sons married Landau's two daughters, see Klemperer, "The Rabbis of Prague," 71-72; Kamelhar, 101.

⁹⁰⁴Klein, 524-525. Kamelhar (*Mofet ha-Dor*, 24-26) relates a number of hagiographic anecdotes along the same lines, including two stories of how Landau in his first days in Prague issued a ruling that seemed to be mistaken, providing his enemies with a pretext to challenge his scholarship. In one case, Landau discerned that the question submitted to him had been fictitious and for that reason he had erred. This discernment of a secret stratagem astonished his opponents. In the other story, Landau was mortified that he had erred, but that night his ancestor appeared to him in a dream and showed him an obscure passage in one of the Tosafot which

For his part, Landau strove to avoid further estranging the Eibeschutz faction and to maintain his official stance that Eibeschutz was no heretic but a great rabbi. A year into office, during the ten days between Rosh Hashanah and Yom Kippur of 1756, Moses Brandeis, a cantor in one of the Prague synagogues, slandered Eibeschutz. When Chief Rabbi Landau was informed, he immediately convened the Prague beth din and excommunicated Brandeis, depriving him of the right to lead religious services and ordering him to sit in the section of the synagogue reserved for mourners. The court ruled that the cantor's sentence might be mitigated if Chief Rabbi Eibeschutz of Altona-Hamburg-Wandsbek wrote to Chief Rabbi Landau of Prague indicating that he, Eibeschutz, forgave the cantor. Interestingly, Eibeschutz did so promptly. Within eight weeks a note from Eibeschutz to Landau arrived in Prague forgiving the cantor and urging his reinstatement. Landau did so, warning Brandeis that if he ever again disparaged Eibeschutz, he would regret it, for he, Landau, would officially and permanently disqualify Brandeis from ever serving as a cantor again in any community.⁹⁰⁵

In acting so promptly and so vigorously, Landau clearly sought to demonstrate his official respect for Eibeschutz, and to give no room for the latter's partisans to charge him with disrespect for his illustrious predecessor and with insincerity in protesting his high regard for the latter. Indeed, both Landau as well as Eibeschutz emerged creditably from the episode, though

supported and confirmed his ruling. Landau was triumphantly able to vindicate his ruling, his foes were astonished, and one of them, Zerah Eidlitz, changed sides and became his supporter.

It is true that Eidlitz eventually became a friend and supporter of Ezekiel Landau, and Landau's *Noda BiYhudah* was published in a printing press located in Eidlitz's house, as stated on the front page of the 1776 edition of this work.

⁹⁰⁵Solomon H. Lieben, "Zur Charakteristik des Verhaeltnisses zwischen Rabbi Jechezkel Landau und Rabbi Jonathan Eibenschutz," *Jahrbuch des juedisch-literarischen Gesellschaft* 1 (1903): 325-326. Cf. *JJLG* (1906): 342-343.

Eibeschutz, as the aggrieved party, must have enjoyed an increase in prestige, while Landau had merely succeeded in preventing the deterioration of his own.

The incident serves as a vivid example of the great delicacy of Landau's position in Prague, and how he needed to avoid the slightest misstep. It must have been a source of great strain and tension, especially when Landau, as we have seen, was by no means convinced of Eibeschutz's sincerity.

The Chief Rabbi and the Non-Jewish World: The Crisis of 1757

Up to this point in his life, a study of the career of Ezekiel Landau, as far as it can be reconstructed, reveals a rabbi focused internally, on the Jewish community, its religion, culture, and society. No information survives concerning Ezekiel Landau's dealings with the non-Jewish world, with the gentile authorities or anyone else in Poland.

It was indeed possible for a rabbinic scholar so inclined to minimize contacts with the non-Jewish world. Though Jews and Christians did live side by side and had daily contact in the street, marketplace, and elsewhere, the rabbis of the eighteenth century, particularly the talmudic scholars in Poland, do not seem to have engaged with their non-Jewish neighbors culturally or religiously. When the Jews in Landau's beloved Brody were compelled to take place in a theological disputation with Christian clergy in 1743, the Brody rabbis, Talmudic scholars of note (one of them was Ezekiel Landau), could not or would not conduct a dialogue with their Christian opponents. The lion's share of the Jewish side of the debate was conducted by Brody's

Jewish physicians, who were university graduates.⁹⁰⁶ Indeed, most Polish rabbis could not speak or read Polish, and certainly not Latin. When Hayim Kohen Rapoport, Chief Rabbi of Lvov and Ruthenia, had to answer dangerous charges leveled against himself, he had to seek the help of the young businessman Ber of Bolechov, whose father had, unusually, had him taught the Polish language in his youth.⁹⁰⁷

Of course, contact with governmental authorities was always a necessary part of Jewish communal life. The communities, the *kehilot*, required governmental approval and even support for their existence and operations. But this was the task of the lay leadership, not the rabbi. The lay leaders usually became leaders precisely because of their contacts, almost always business-related, with the non-Jewish rulers, local or national. The rabbi's job, then, was focused on the members of the Jewish community. "External relations" was handled by others. There is nothing in Ezekiel Landau's career in Poland to suggest that he did not conform to this pattern, though it is true that he came from a family of lay-leaders who most certainly did have much contact with the Polish nobility who owned Opatow.⁹⁰⁸

On the other hand, the communal rabbi *was* the official religious head of the Jewish community, the opposite number, though not the equal, of the Christian bishop or archbishop. As the highest representative of Judaism, the communal rabbi did represent the Jewish community on official and ceremonial occasions. But the real negotiations with the "outside world" were conducted by the communal leadership, who were the ones who elected the rabbi and then secured governmental confirmation of that election.⁹⁰⁹

⁹⁰⁶Gelber, *Brody*, 97-103.

⁹⁰⁷Ber of Bolechov, *Memoirs* (London, 1922), 65-66.

⁹⁰⁸See chapter 1 above.

⁹⁰⁹Assaf, "Le-Korot ha-Rabbanut," 34-37.

The role expected of the communal rabbi vis-à-vis the non-Jewish government was indirect. The communal rabbi was to tend to his flock and not "rock the boat," not cause any trouble that might engage the unwanted interference by the authorities in the internal affairs of the Jewish community. Provided that the communal rabbi stuck to his role as scholar, teacher, halakhic authority, and moral and religious admonisher, he need not draw unwanted outside attention.

Occasionally, the eighteenth-century rabbi could play an active role, positive or negative, in the community's relations with the outside world. Jonathan Eibeschutz maintained good relations with Father Haselbauer, the powerful Jesuit leader in Prague, and was thereby able to secure permission to publish an edited version of the Talmud in 1727, twelve years after the Jesuits had directed a raid on Prague's Jewish quarter which resulted in the burning of many copies. On the other hand, Eibeschutz's departure from French-occupied Prague under a French military safe-conduct helped convince the Habsburg authorities that the Jews of Prague were disloyal, and it resulted in severe negative consequences for that community.⁹¹⁰ The communal rabbi, then, was potentially an asset to a Jewish community if he made a favorable impression upon the authorities. In Germany, many of the great communal rabbis of the eighteenth century were from Poland, strangers to the German language and to German culture and customs. A communal rabbi who only spoke Yiddish with a Polish accent and whose world was that of the Talmud was not usually someone put forward by a Jewish community to elicit favor from the non-Jewish community or authorities.

⁹¹⁰On Eibeschutz's relations with Haselbauer and the consequent printing of the Talmud, see Zinz, *Gedulat Yehonatan* 12-13, 135-142; Gerschom Scholem, *Kabbalah*, 405. On Eibeschutz's departure from French-occupied Prague with a special safe-conduct signed by a French commander, see Zinz, 18-19. It was this incident that moved Maria Theresa to banish Eibeschutz from her realm.

Ezekiel Landau was certainly a Polish Talmudist summoned to what was then a basically German city. In addition, the Habsburg regime in control of the city was anything but favorably disposed toward the Jews. Nevertheless, Landau was able to win official favor from the authorities and from the empress Maria Theresa herself as a result of his conduct during the first part of the Seven Years' War. He retained her good opinion for years afterward, probably to the end of her life, as we shall see. Landau was to publicly and fervently stress his and his community's loyalty to the Habsburg dynasty throughout his four decades in Prague, leading some scholars to speculate as to the existence and nature among Central European Jews of elements of a sense of patriotism, a kind of emotional identification with the political state and its rulers, in the second half of the eighteenth century.⁹¹¹

Whether Landau's warm expressions of attachment to the House of Austria were heartfelt cannot be known. They certainly were tactical, on both a personal as well as a communal level. Communally, such patriotic expressions of loyalty helped the community in its dealings with the authorities, especially in the highly tense atmosphere of mid eighteenth-century Central Europe, with its recurrent wars between Austria and Prussia. As we shall see, the Jews of Bohemia suffered severely when their loyalty was questioned. Declarations of loyalty were a political necessity. The fact that the Chief Rabbi was active and convincing in these efforts both in word and deed helped the community in terms of its standing with the authorities.

Personally, the fact that his political conduct gained him the approbation of the Habsburg authorities must have enhanced Landau's stature in his own community. Harsh taxation, familial laws, and economic limitations continued throughout the empress' reign. Nevertheless,

⁹¹¹Marc Saperstein, "War and Patriotism in Sermons to Central European Jews, 1756-1815," in his *Your Voice Like A Ram's Horn* - *Themes and Texts in Traditional Jewish Preaching* (Cincinnati, 1996), 147-161.

personal security and religious freedom, the two most important issues for Prague's Jews, did flourish throughout the second half of the 1750s, the 1760s, and the 1770s, and things took a turn for the better in the 1780s under Joseph II. During all this time, Ezekiel Landau's leadership vis-à-vis the gentile world was characterized by a care and tact calculated never to engender negative feelings by the authorities. For their part, the authorities came to acknowledge him, unofficially but really, as the foremost rabbi in the Habsburg empire. Such recognition was publicly confirmed in 1776 when the empress offered him the Chief Rabbinate of all Galicia. It was reconfirmed a decade later, when Joseph II instructed his officials to discuss and negotiate with Landau the proposed reforms they wished to legislate that would affect the Jews of the monarchy. In officially consulting Ezekiel Landau, Joseph was acknowledging if the Chief Rabbi of Prague approved a measure, the other Jews of the empire would follow.⁹¹² Thus, the profile of Ezekiel Landau during these middle decades of his life was not only that of a great scholar, leader of a large community and head of a large yeshiva, a man respected by Jews. He was also esteemed by princes and high officials, a fact that gained him even greater respect by his fellow Jews. In short, to his contemporaries, Landau's positive standing in the eyes of the government helped round out his image as a great rabbi, one who was not only a scholar and a saint, but whose stature was such that it was recognized by the outside world. The fact that few if any rabbis of that era enjoyed such recognition only enhanced his stature as a unique figure.

And yet, it would be inaccurate to ascribe too much to this official favor. When Landau died in 1793 after a long career as the foremost Jewish religious figure in the Habsburg Monarchy, the authorities would not relax their prohibition on public funerals within the Ghetto. The Jews of Prague were required to remove the corpse from the city limits immediately after

⁹¹²See below.

morning prayers, denying Landau the traditional dignity of eulogies recited in synagogues and streets. The inability to afford the deceased the traditional honors was bitterly resented and publicly expressed by Landau's student, successor, and eulogist, Elazar Fleckeles.⁹¹³ Nowhere was the plainly relative nature of Landau's standing with the Habsburg government made more clear than on the occasion of his death. To Maria Theresa, Joseph II, Leopold II, and Francis II, Landau was a hated or cordially disliked Jew just like his coreligionists, perhaps a Jew more impressive than others, but in the end just a Jew. To the pragmatic Habsburg bureaucratic state Landau was a significant personality in the monarchy's internal Jewish policy, a "player" to be consulted. Unlike the wealthy Jews who were able to win some economic and residential privileges, Landau, whose power was not economic, did not merit special treatment. To juxtapose Landau's fervent pro-Habsburg sermons with the treatment he was accorded in his death is to bring into bold relief the limitations of the position of the Jew in the eighteenth century Habsburg Monarchy.⁹¹⁴

Prague Jewry in the War of the Austrian Succession and in the Seven Years' War

To understand Landau's role in this era, it is necessary to examine the history of Prague and its Jews in the war-torn 1740s and 1750s. Indeed, one of the main problems specific to Prague faced by the new Chief Rabbi was the community's precarious political and economic position in the mid 1750s. The Jewish community of Prague had endured harsh times during the

⁹¹³*Olat Hodesh, Drush* no. 17 (eulogy for Landau), 84.

decade and a half prior to Landau's arrival. Troubles began with the outbreak of the War of the Austrian Succession (1740-1748) which was precipitated by Frederick the Great's invasion of the Bohemian province of Silesia, a Habsburg possession. Frederick and the Habsburg empress Maria Theresa battled for possession of Silesia from December 1740, when Frederick overran the province, until December 1745, when she reluctantly conceded it to him at the Treaty of Dresden. During these five years Bohemia was twice invaded, first by Frederick's allies the French and the Bavarians, who captured Prague on November 25, 1741, a second time by Frederick himself, who captured Prague on September 16, 1744.⁹¹⁵

Both times the Habsburg forces eventually recaptured the city and expelled the invaders from Bohemia. The French army which took Prague was within four months subjected to a harsh siege by vastly superior Habsburg forces. The siege lasted from May to mid-December of 1742, when the French made a daring escape from the city in the middle of the night.⁹¹⁶ The returning Habsburg authorities were angry at the many Bohemians who had cooperated with the French and with the man the French had installed as King of Bohemia, Charles Albert, Elector of Bavaria. Maria Theresa, who considered herself rightful ruler of Bohemia, viewed such cooperation as treason. When her troops retook Prague and Bohemia, she punished "traitors" of all classes with high fines, loss of property, life imprisonment, maiming, and death. When she was formally crowned Queen of Bohemia, she was in a foul mood and ill disposed to her

⁹¹⁴For examples of privileges accorded Jews able to help the monarchy economically during the second half of the eighteenth century, see Kestenbergl-Gladstein, 96-112; William O. McCagg, *A History of Habsburg Jews, 1670-1918* (Bloomington, 1989), 17-22.

⁹¹⁵For a history of the conflict, see Reed Browning, *The War of The Austrian Succession* (New York, 1993).

⁹¹⁶Browning, 75-79, 123-126.

Bohemian subjects. Indeed, she referred to the Bohemian crown placed on her head as a "fool's cap."⁹¹⁷

If Maria Theresa was angry at her Bohemian subjects, she was particularly angry at the Bohemian Jews. Maria Theresa hated Jews from her earliest childhood. In the words of Sir Thomas Robinson, the British ambassador to Vienna:

There is no accounting of [Maria Theresa's hatred of the Jews] but by imputing it to ...some very early insurmountable prejudice in the course of her education. Her aversion to the sight of a Jew was too great to be concealed, when at Pressburg she could not pass from the town to her palace, but through the very street that was thronged by that people, and the first order she gave upon her arrival at Prague was that no Jew should presume to enter into the precinct of the palace during her residence there.⁹¹⁸

On another occasion she declared, "I know no greater pest to the state than this nation, on account of their cheating, usury, money-lending, reducing people to beggary, and carrying on all kinds of evil transactions which honest persons abhor."⁹¹⁹

The Jews of Bohemia were therefore punished along with the rest of the inhabitants, but more harshly. A number of Jews were banished from the kingdom, including Jonathan Eibeschutz, who had already left.⁹²⁰ In addition, the Jews were assessed a "voluntary gift" of

⁹¹⁷Ibid., 127.

⁹¹⁸Sir Thomas Robinson to the British Foreign Secretary, Lord Harrington, 27 March, 1745. Public Record Office, S.P. 80/168, cited in J. Krengel, "Die Englische Intervention zugunsten der boehmischen Juden im Jahre 1744," *Monatsschrift fuer Geschichte und Wissenschaft des Judentums* XLIV (1900), 49.

⁹¹⁹Saul K. Padover, *The Revolutionary Emperor* (New York, 1938), 252.

⁹²⁰Browning, 127. See Zerah Eidlitz's sermon of 1776, where in reference to the events of 1742-1743 he recounts, "We were expelled twice. The first time it was not even for a full year." *Or La-Yesharim*, 135.

150,000 florins in order to be pardoned, a sum equal to the imposts levied upon the Jews of Prague by the French during the months of the occupation.⁹²¹

The following year, Frederick the Great invaded Bohemia in what was to prove an unsuccessful campaign. On September 16, 1744, immediately after Yom Kippur, the Austrian garrison was compelled to withdraw and Prussian troops entered the city. The departure of the Austrian troops signaled the breakdown of law and order, and mobs attacked the Jewish Quarter, killing and plundering. The arrival of Prussian troops put an end to the riot. Two months later the Prussians were themselves compelled to withdraw in the face of Austrian military maneuvers. Once again the Hapsburgs recaptured Prague, and once again the departure of one army was the signal for anti-Jewish riots. The Prague rioters were joined by peasants from the countryside and by elements of the arriving Austrian army. Jewish losses ran into the millions.⁹²²

During this campaign, the Bohemians had not cooperated with the Prussian invaders. Quite the contrary. Accordingly, the Habsburg government did not punish them.⁹²³ However, the Jews were accused of cooperating with the Prussians, as some undoubtedly did. Maria Theresa decreed as punishment the expulsion of all Jews from Prague and Bohemia.

The announcement of the decree of mass expulsion set off feverish Jewish political activity on an international scale. The Prague Jewish community appealed to European Jewry to help. Jewish communities did successfully lobby various European governments, most notably

⁹²¹Eidlitz, 135; Aubrey Newman, "The Expulsion of the Jews from Prague in 1745 and British Foreign Policy," *The Jewish Historical Society of England: Transactions and Miscellanies XXII* (1970), 32.

⁹²²See the autobiographical account of Rabbi Nethanel Weill in the postscript to his *Korban Netanel* (Karlsruhe, 1755); Gerson Wolf, *Die Vertreibubg der Juden aus Boehmen im Jahre 1744 und deren Rueckkehr im Jahre 1748* (Leipzig, 1869); Eyewitness account, J. Bergl (ed.), "Die Ausweisung der Juden aus Prag im Jahre 1744," *Die Juden in Prag. Bilder aus ihrer tausendjaehrigen Geschichte* (Prague, 1927); Peter Demetz, *Prague in Black and Gold* (New York, 1997), 243.

the British and the Dutch governments, whose ambassadors at Vienna did intervene with Maria Theresa, all to no avail.⁹²⁴ As a result the Jews of Prague were expelled and were compelled to wander in great privation and suffering over Bohemia and elsewhere while the Ghetto in Prague was sacked.

In the end, complaints from the Bohemian Estates that the absence of the Jews was hurting the economy compelled a reluctant empress to cancel the decree three years later, in 1748. The returning Jews had to pay a fine of 300,000 florins and were barred from various economic enterprises.⁹²⁵

The Prague community had to pick up the pieces and rebuild, figuratively and literally. The Prague Jewish community of mid-century was thus a pale shadow of its former self, and would need time to restore its economic and cultural position. The disasters of the 1740s were recounted a quarter of a century later by the Prague preacher Zerah Eidlitz:

No community, large or small, has suffered as many blows in a short time as we have suffered since the year 1740. Tragedies came upon us in pairs, in each case the second tragedy more painful than the first. First, the many tributes to the King of France, which, however, could be paid separately, month, by the month. When the French left, Her Majesty the empress commanded us to give her what had been given to him all at once, and an additional tribute as well.

Second, when the King of France occupied our city and the soldiers of Her Majesty the empress besieged it, we were in great distress and when we were besieged by the Prussian king, we feared for our lives night and day, and they plundered and ravaged us. Third, when the Prussian king and his army first came, three Jews were killed. The second time when he left here, many times that number were killed, and more than a hundred were permanently injured.

We were expelled twice. The first time it was not even for a full year, the second time it lasted three years and was more severe than the first, in that we were not permitted to lodge for the night even in the proximity of our city. Similarly with the fires: the first time Her

⁹²³Browning, 182-183.

⁹²⁴Barukh Mevorah, "Jewish Diplomatic Activities to Prevent the Expulsion of the Jews from Bohemia and Moravia in 1744-5," *Zion* xxviii (1963), 125-164; Aubrey Newman, *op. cit.*

⁹²⁵Wolf, 102; Newman, 35-36.

Majesty the Empress compensated us for the damages incurred, but the second time the Tandelmarkt was burned, and many respectable men became paupers.⁹²⁶

Even after the return, the troubles of the Jewish community of Prague were not over. In addition to the domestic strife caused by the Eibenschutz controversy, which split Prague into opposing factions and prevented the election of a Chief Rabbi for a number of years, the community was devastated by a great fire which burned down 190 houses, two-thirds of the Jewish Quarter in 1754.⁹²⁷ Arriving in his new community one year later, while Prague's Jews were trying to rebuild, Ezekiel Landau was shaken by the devastation and the economic straits of Prague's Jews, and he gave voice to his consternation in a sermon, which will be quoted presently.

As if all this was not enough to overwhelm the new Chief Rabbi and turn the election to the Prague rabbinate into something far more problematic than the attainment of a desired prize, international politics conspired to place Prague and its Jewish community in harm's way. Less than a year after assuming the Chief Rabbinate, the Seven Years' War (1756-1763) broke out, and Bohemia became a theater of military operations. Frederick the Great commenced hostilities by launching a surprise invasion of Maria Theresa's ally Saxony on August 26, 1756,

וגם אנו נאמר שלא נודע שום קהלה גדולה או קטנה שלקו בהרבה מכות בזמן קרוב כמו אנחנו, שלקינו מהתחלת 926 מנין המאה זו לפ"ק שאנו קיימין בו, שבאו עלינו הרבה צרות זוגות זוגות דומות זו לזו. ותמיד השניה קשה מהראשונה. בתחילה נתינות רבות למלך צרפת, ומכל מקום היה לאחדים מידי חדש בחדשו. וכשנסע מכאן, צייתה הקיסרית ירום הודה לתת לה כפי שנתנו למלך צרפת, בבת אחת, ועוד נתינות אחרות. וגם כשהיה מלך צרפת בעירנו, ואנשי הקיסרית יר"ה צרו על עירנו, באנו במצור ובמצוק והיינו ברעב. אבל מכל מקום לא היינו בסכנת המות, כמו אחר כך כשבאנו במצור על ידי מלך פרייסן, והיינו באימת מות יומם ולילה, וכן שללו ובזזו אותנו. וכשבא פעם ראשונה מלך פרייסן, נהרגו שלשה נפשות מישראל. ובפעם השניה כשנסע מכאן, נהרגו ככל כפליים כפעם הראשונה. ויתר ממאה נעשו בעלי מומין. וכן נתגרשו שני פעמים, ובפעם ראשונה לא היה שנה תמימה, ובפעם השניה נמשך הזמן שלשה שנים. והיה קשה מהראשונה, דאפילו סמוך לעירנו לא היה לנו רשות להיות לנו לינת לילה. וכן שריפת עירנו, דבפעם הראשונה שלמו לנו המלכה יר"ה ההיזק שהיה לנו, ובפעם השניה נשרף הטענדל מארק, עד שכמה בעלי בתים נעשו דלים ורשים.

Or La-Yesharim, 135-136.

⁹²⁷For details of the great fire of 1754, see Milada Vilimkova, *The Prague Ghetto* (Prague, 1990), 37-38.

which coincided with the beginning of the Hebrew month of Elul. Overrunning Saxony, Frederick invaded Bohemia, and the first major battle between the Prussian and Austrian armies took place at Lobositz, Bohemia, on October 1, two days before Yom Kippur. Thus, one year after his arrival, Ezekiel Landau realized that he had moved himself and his family from the relative safety of distant Yampol to a war zone.

If Landau was nervous about the war, the Jewish community of Prague was terrified, afraid that the horrors of the 1740s were about to return. The atmosphere of general tension, combined with a sense of personal resentment of his predicament, is reflected in personal remarks included in the annual penitential sermon delivered by Chief Rabbi Landau the week before Rosh Hashanah, on Sunday, September 19, 1756, the first day of the recitation of *selihot*, the penitential prayers recited during the week before the Jewish New Year. Opening with a pilpulistic-homiletic discussion of whether or not it is spiritually appropriate for a rabbi to criticize an audience for its shortcomings when the audience has no intention of mending its ways, Landau went on to give public vent to his bitterness:

Bretheren! Who has suffered [divine] chastisements more than the people of our community? God has sent us many warnings: The sword of the enemy, the terrible sieges followed by our being plundered [in the 1740s], and, last and most terrible, the great conflagration that destroyed our community and left us bereft of everything. Whatever survived [these catastrophes] was spent in rebuilding the houses [after the fire]...All these were caused by our sins. Yea, "I am the man who has seen affliction by the rod of His wrath!"⁹²⁸ I, too, have been punished by God for my sins by being brought here to see the suffering of the poor, something I was never accustomed [to see] in Poland...Even if we do not recall the misfortunes [of the past], the latest troubles [should frighten us to repentance].⁹²⁹

⁹²⁸*Lamentations* 1:3

⁹²⁹ אחיי, מי לנו יותר מיוסר מכמה מיני יסורים מבני עירנו? כבר שלח הקדוש ברוך הוא כמה התראות: חרב האויב ואחר כך מצור ומצוק ואחר כך הביזה, ואחרון הכביד השריפה הגדולה שבערה בקהלתנו והוצגנו ריקם מכל, ויתר הפליטה כלה בבנין הבתים...כי חטאינו גרמו כל אלה...אני הגבר ראה בשבט עברתו. גם אני בחטאי יסרני השם

In this sermon, Landau publicly referred to his move to Prague as a divine punishment for his sins; to a sense of depression caused by the terrible poverty in the Prague Jewish community, something he had not witnessed, he claimed, in Opatow, Brody, or Yampol; and, obliquely, to his failure to move his community to repent, that is, to remedy what he perceived to be the deficiencies in their religious practice. It was the plaintive cry of a bitter and disappointed man. Having won the prize, Ezekiel Landau had discovered that it was not something he wanted. Before long, he would seek to leave Prague.

For the moment, however, he had a crisis to which to respond, and he did so magnificently. The renewal of hostilities raised the specter of another Prussian occupation and a revival of treason charges against the Jews of Prague and Bohemia. In the 1740s, a small number of Jews had cooperated with the Prussians, but all the Jews had been held responsible and expelled. The challenge in 1756 was to see to it that no such charges could be leveled against the Jewish community. In such an environment, it is not surprising that the community leaders would do all they could to prevent such cooperation between individual Jews and the enemy, or any other activity that could be construed as hostile to the Habsburgs. At the very least the community had to publicly condemn such activities and disassociate itself from them.

Already two weeks before his sermon, on September 5, 1756, almost immediately upon learning of the outbreak of hostilities, Landau published a prayer he had composed beseeching "the God of Abraham, Isaac, and Jacob" to bless the military efforts of Maria Theresa's forces. The German-language prayer, accompanied by the public recitation of twenty chapters of Psalms, was to be read twice daily at religious services in all of Prague's synagogues. It prayed

להביאני הלום לראות בצרות העניים אשר לא הורגלתי במדינת פולין... והנה גם כי לא נזכור צרות ראשונות אשר כבר

for "the honor and glory of our queen, Empress Maria Theresa, her husband the Emperor, the Archdukes and Archduchesses and the rest of the House of Austria."

After the Battle of Lobositz, the Prussian army withdrew from Bohemia, though it was clear that Frederick the Great's forces would return the following spring. Accordingly, the period of November 1756 to April 1757, was a time of great tension, with the Habsburg authorities determined to prepare Bohemia for attack. The position of the Jewish community was one of great delicacy, for the air was rife with rumors and reports to the effect that the Prussians had spies everywhere, and the Habsburg authorities were suspicious that Jews might be helping the Prussians as they had in the 1740s.⁹³⁰

The Jewish communal leadership was determined not to repeat the mistakes of the past, and to assume a public and active pro-Habsburg stance. Such a stance required both positive and negative measures. Positively, the community demonstrated loyalty by publicly and officially praying for Maria Theresa and her armies. Negatively, the community undertook to religiously excommunicate any Jew who helped the Prussians. More significantly, the community undertook to inform the authorities about any Jew who spied for, traded with, or otherwise aided the enemy. Such betrayal of fellow-Jews to gentile authorities was highly unusual. Jewish tradition and law viewed *mesirah*, informing on fellow Jews to non-Jews, as one of the gravest of sins. Whenever possible, Jewish informers were typically excommunicated, maimed, or put to death by Jewish communities with or without judicial procedure.⁹³¹ The public willingness of the Prague kehilah to inform on Prague Jews who aided the Prussians and the kehila's declaration that such Jews

...עדו ועברו על רשאינו, הנה צרות אחרונות. *Ahavat Tziyon* (Prague, 1827), 2b.

⁹³⁰For the rumors of Prussian espionage and "fifth-columnists" during these months, see Christopher Duffy, *The Wild Goose and the Eagle: A Life of Marshal von Browne, 1705-1757* (London, 1964), 240.

deserved the death penalty is a most powerful sign of the community's desperation, of its fear that those Jews who did cooperate with the Prussians would cause the destruction of the rest of the community by a vengeful empress.

Ironically, this powerful invoking of religious law in support of the Habsburgs could not be issued without permission from the authorities, who had prohibited the excommunication of any Jew without express governmental permission. It seems that the bureaucratic wheels ground slowly, for such permission did not arrive until December.⁹³² On December 22, 1756, the Prague kehilah publicly assembled in the historic *Altneuschul* to conduct a religious ceremony to fervently proclaim its loyalty to Maria Theresa, and to condemn, ban, and anathemize all Jews who acted disloyally. We do not know who initiated this public assembly, which was doubtless attended by the authorities, but the published text of the *herem*, the religious ban, states that it was composed by Chief Rabbi Landau.⁹³³

The *herem* began by stating that it was a cardinal tenet of Judaism to display sincere loyalty to the government of the land, and that the Jews of Prague prayed fervently for their sovereign, Maria Theresa, "full of kindness, who has spread the wings of her kindness over us, and under whose protection we live in security, prosperity, and tranquility." In addition to public prayers on behalf of the empress, ten Jews of the community would fast every day in order to invoke divine aid to her cause.

⁹³¹For the literature on this subject, see the article on Informers" in *The Encyclopedia Judaica* 8, 1364-1374.

⁹³²The published text of the Jewish proclamation states that the measures it was enacting against Jews disloyal to Maria Theresa had been prepared at the very beginning of the conflict, but their official announcement had been delayed pending the official approval of the government.

⁹³³For the original German-language text in German characters, see Otto Muneles, *Bibliographical Survey of Jewish Prague* (New York, 1952), 79, which includes the following entry: "December 1756 ist hier in Prag in der sogenannten Alt-Neu-Schul nachfolgender gross un

The text then presented the *herem* itself:

It is incumbent upon every Jew to strive with all his might, not only to see to it that no harm came to the government through the agency of a Jew, but to strive with all his heart and soul for the greater glory [of the imperial government]. If there should happen to be some [Jewish] evildoer who for money or ill will is persuaded to be a spy for the enemy or to offer them any kind of assistance, an act punishable by death under holy Jewish law, as stated in *Hoshen Mishpat* 425, we declare it permissible to inform on this person to the authorities, nay, not merely permissible, but a religious and civil obligation to inform the authorities, who will punish him by death. It is through the death of such evil persons that the thousands of innocent Jews will be able to live in the lands of our merciful queen.

The *herem* went on to excommunicate anyone who cooperated with the enemy. He would not be counted in a *minyan* as one of the ten men necessary for a prayer service; he could not serve in any official capacity in the community "no matter how minor;" neither he nor his descendants could marry; he would be excommunicated from "the Community of Israel" even after he died; he would not be buried, his corpse being left to the birds and dogs to eat; and finally, he was cursed with every curse found in the Bible. Indeed, copying the style of *Deuteronomy* 27-28, the *herem* invoked a series of curses on traitors but then followed it with a series of blessings on whoever "prayed for the welfare of Queen Maria Theresa the merciful, her exalted husband and family, the administration [of Prague and Bohemia], the army, and whoever strives with all his might to assist them in accordance with the sacred obligation that rests upon us to offer our very lives for the empress and the imperial house which treats us with kindness and mercy." The text states that the ceremony was conducted with the full panoply of Jewish religious ritual: The Ark in the synagogue was opened and the Torah scrolls taken out and held by Landau and his

forchtstamer Bann gegeben un publiciert worden gegen Spione." Kamelhar, *Mofet ha-Dor*, 32-35, gives a full Hebrew translation.

colleagues, the shofar was blown, and candles were snuffed out to symbolize the doom of all who violated the *herem*.

Exactly four months later, the loyalty of the Jews of Prague was put to the test. On April 18, 1757, one week after Passover, Frederick the Great invaded Bohemia in earnest at the head of 113,000.⁹³⁴ The Prussian king made for Prague, and on May 6, he fought a fierce battle with a large Austrian army four miles outside the city. Frederick gained a costly victory, and the Austrian army, 46,000 strong and commanded by Maria Theresa's brother-in-law, retreated into the city, which was promptly invested. The Austrians were determined not to surrender the city, so Prague, with its swollen garrison, was subjected to siege and bombardment by the Prussians for the next six weeks.⁹³⁵

News of the Prussian invasion sent everyone into panic. According to one Austrian officer, "everything in Bohemia fell into chaos. Regiments were looking for generals, generals were looking for regiments, and sometimes they failed to meet up."⁹³⁶ Many citizens sought to flee, correctly predicting a Prussian siege. We have no information on how many Jews left, but it seems that the bulk of the community, including Chief Rabbi Landau and his family, remained.

The siege and bombardment inflicted much suffering and damage on the city. One fourth of Prague was destroyed, including houses in the Jewish quarter.⁹³⁷ Prussian artillery destroyed

⁹³⁴For details of this campaign, see Robert Asprey, *Frederick the Great: The Magnificent Enigma* (New York, 1986), 427-460.

⁹³⁵The actual bombardment lasted nine days and caused many fires in the city. Then the Prussians ran out of artillery ammunition and settled down to starve the city into surrender (Asprey, 454).

⁹³⁶The Prince de Ligne, quoted in Christopher Duffy, *The Army of Maria Theresa* (New York, 1977), 173.

⁹³⁷William Coxe, *History of the house of Austria* 3rd. ed. III (London, 1854), 376.

the main bakery and reduced the garrison to a diet of horse flesh.⁹³⁸ The siege was vigorously fought by both sides, with sallies by the garrison and attempted incursions by the besiegers.⁹³⁹

Ezekiel Landau worked actively during the siege. There are three accounts of his actions, two by himself and a detailed one by his son. In his letter to Maria Theresa concerning Jonathan Eibeschutz written seven years after the siege, Landau, in convoluted German, referred to "the devotedly offered services I have provided Your Majesty as well as the entire Prague Jewish community, especially those of the last Prussian siege of the year 1757, when I repeatedly directed the Jewish community under penalty of excommunication, in consequence of which for the well-being of the City of Prague all these Jews carried out the orders of the General Staff then residing in Prague." This statement indicates that Landau, in his capacity as supreme religious leader of the Jewish community of Prague, strove to cooperate with the Austrian military authorities and to combat attempts by Jews to deal with the besiegers. In light of the food scarcity such attempts would not have been surprising.

The second statement dates from December of 1780, immediately after Maria Theresa's death. Chief Rabbi Landau delivered a moving eulogy, attended by government officials as well as his own community, for the empress. In the course of his remarks he recalled the dangerous yet exciting days of 1757:

[Maria Theresa] had the adulation of all the inhabitants of her realm, near and far. They served her with devotion, not out of fear but out of love. In times of war we saw that all her subjects actually risked their lives for her. Those in the army, from the highest to the lowly, stood their ground and fought her battles with all their might. Nobles and officials responsible for purveying supplies, whether for war or for other imperial needs, together with the rest of those associated with the affairs of state, both Jews and non-Jews - all of us eagerly awaited the opportunity of serving our queen with all our strength, not because of

⁹³⁸Giles MacDonogh, *Frederick the Great*, (New York, 1999), 253.

⁹³⁹Duffy, *The Wild Goose and the Eagle*, 257-258.

any expectation of reward, but because of genuine love. That is how we all acted during the siege of 1757. I myself labored then with all my might; indeed, I placed my life in great danger, as was well known then, all because of love [of sovereign].⁹⁴⁰

The other account is that of Ezekiel Landau's son Yakobka, who in his biography of his father written in 1810 described Ezekiel Landau's activity during the siege in the following terms:

Ask the elders of Prague and they will tell you the wonderful things he did when the city came under siege in the year 1757. He shared the sufferings of the community even though he had the opportunity to leave the city before the gates closed. This was done by many important figures. He, however, would not do so, as befits a faithful shepherd who does not abandon his flock. Rather, he remained to help them in many matters, including acts of charity to provide food for the poor who starved during the food shortage, vigorous efforts to combat price gouging by purveyors of food [literally: putting a bit and a bridle on the cheeks of those who "break the gates"], and in the matter of the work brigades, in which the inhabitants of the city had to labor to strengthen the defenses and to put out the fires caused by the artillery.⁹⁴¹

These accounts emphasize two things. First, Ezekiel Landau worked actively and at personal risk during the siege on behalf of his own community as well as on behalf of the Austrians, a fact that as we shall see, gained him the esteem of both groups. Second, much is

ותהי נושאת חן בעני כל יושבי מדינותיה הרחוקים והקרובים. כולם עבדו אותה בכל לב, ולא מצד היראה, כי אם מאהבה גמורה, וכאשר ראינו בעתות מלחמה שכל באי המדינות ממש מסרו נפש עבודה. אם החיל אנשי הצבא למגדול ועד קטן עמדו על משמרתם ונלחמו מלחמותיה בכל כחם. ואם השרים והסגנים לפקח בכל צרכיה, הן לצרכי המלחמה והן לשאר צרכי המלכות, והן שאר אישי המדינות הן אינם יהודים והן יהודים. היינו מחכים ומצפים מתי יביא לידינו לעבוד עבודת המלכה בכל כחנו. והכל לא למען תשלום גמול כלל רק מאהבה גמורה. וכמו שעשינו כלנו בימי המצור בשנת תקי"ז. וגם אנכי בכל כחי עבדתי אז וממש מסרתי נפשי בסכנות גדולות כמו שהיה מפורסם בעת ההיא. והכל מאהבה. Ezekiel Landau, *Drush Hespel al Mitat ha-Keisariat Maria Theresa* [Eulogy on the Death of Empress Maria Theresa] (Prague, 1780), 5a-5b. For a detailed analysis of this sermon, see Marc Saperstein, *"Your Voice Like A Ram's Horn" - Themes and Texts in Traditional Jewish Preaching* (Cincinnati, 1996), 445-484.

שאל זקניך זקני ק"ק פראג ויאמרו לך נפלאות עשה עת באה העיר במצור שנת תקי"ז לפ"ק. השתתף עצמו⁹⁴¹ בצרת הציבור, בשגם היה לו עת וזמן נכון לצאת מן העיר עד לא סוגרו שעריה, כאשר עשו אז רבים הנכבדים. הוא לא עשה כן. כרועה נאמן לא נטש אלה הצאן, והיה למו לעזר להועיל בכמה ענינים, הן במעשה הצדקה לפרנסת עניי העיר

made of the fact that Ezekiel Landau chose not to leave the city, as others seem to have done. Rather, he elected to endure the rigors of the siege together with the rest of the community. This conduct contrasted favorably with that of Rabbi Jonathan Eibeschutz, who had left Prague for Metz during the city's occupation by the French, exposing himself to criticism from within the community and without for deserting his flock in its hour of need. The presence of Landau and his family in the city during the siege was an act of physical courage. It must have made a strong impression on the Jews of Prague. It must have significantly strengthened Ezekiel Landau's moral authority as the new Chief Rabbi.

Yakobka's account, written in early 1810, has an historical context. The previous summer, in 1809, war had raged between France and Austria. Napoleon's forces invaded the Austrian Empire and in the course of operations, besieged and bombarded Pressburg, the Hungarian capital. The Chief Rabbi of Pressburg, Rabbi Moses Sofer (1762-1809), left an account of the siege. In this memoir, written in 1809 but not published until 1896, Chief Rabbi Sofer described how he was faced with the question of remaining in Pressburg or removing to a nearby town away from the fighting. In the end the rabbi left Pressburg, although he did return there on a number of occasions during the conflict.⁹⁴² In his account, Rabbi Sofer states that there was dissatisfaction among some Pressburg Jews about his departure during the fighting. These Jews wanted the rabbi to remain, and according to the rabbi's account, these people said that Rabbi Ezekiel Landau of Prague had wanted to leave town before the Prussian siege began but had been prevented from doing so by the leaders of the Prague Jewish community. Rabbi Sofer

בעת רעבון, והן במתג ורתן על לחיי מפקיעי השערים, ובבזות האנגריא אשר היתה עמוסה על שכמ יושבו העיר לחזק חומותיה הבצורות ולכבות תבערת היוקדים. Yaakobka Landau, *Divrei Yedidut*.

⁹⁴²Rabbi Moses Sofer, *Sefer ha-Zikaron* (Drohobycz, 1896).

writes that he felt that his own situation in Pressburg was different, and that he discussed fully this question in a sermon he delivered in Pressburg.⁹⁴³

Thus, a different version of Ezekiel Landau's decision to stay in Prague in May 1757 was circulating among Central European Jews in 1809, a version less flattering to Landau. If this version was untrue, it would have outraged Ezekiel Landau's children and admirers. It is against the background of this story that Yakobka Landau's memoir, written shortly after Rabbi Sofer's, should be read. Yakobka clearly is responding to Sofer's version when he makes a point of emphasizing that his father, Ezekiel Landau, *did* have the opportunity to leave before the gates of Prague closed but courageously chose not to, whereas "many important figures," that is, elements of the leadership of the Prague Jewish community, did indeed leave the city. It was they and not his father who had betrayed their flock.

It is impossible to verify which version is accurate, but there seems to be no question of Chief Rabbi Landau's heroism and leadership during the siege. This role was soon dramatically confirmed by the empress herself. As the Prussians besieged Prague, the Austrians brought up another army to relieve the siege. This army moved slowly and cautiously, and Frederick the Great marched out with part of the besieging army to attack and defeat the Austrian relief force before it could approach the city. On June 18, 1757, Frederick attacked the Austrian army at Kolin and suffered a serious defeat, the first of his career. Within two days the siege of Prague was lifted and the Prussian army began its withdrawal from Bohemia. Although no one knew it at the time, Prague would never again be threatened during the Seven Years' War.⁹⁴⁴

⁹⁴³Ibid., 26-27. See also Jacob Katz, *Divine Law in Human Hands* (Jerusalem, 1998), 428.

⁹⁴⁴Asprey, 454-459; Christopher Duffy, *The Army of Maria Theresa*, 175-181.

Eleven days after the Battle of Kolin, on June 29, 1757, the Jewish community of Prague held a public Service of Thanksgiving in the *Altneuschul* to celebrate the Habsburg military victory. Once again, Chief Rabbi Landau composed a patriotic religious service and had it published in German translation, doubtless to ensure that it was read by the non-Jewish authorities.⁹⁴⁵

To sum up, Ezekiel Landau (and the leadership of the Prague Jewish community) did everything possible to demonstrate loyalty to Maria Theresa and her government. Clearly they wished to prevent a repeat of the 1740s, when their attitude had been construed as hostile or indifferent to the interests of the Habsburgs. This time the Jewish leaders were successful. The Seven Years' War passed without any anti-Jewish measures.

The role of the new Chief Rabbi of Prague was clearly central in this endeavor. As the official religious leader of Prague Jewry, he was the official face of Judaism, and he willingly invoked the Jewish religion on behalf of the Habsburg cause, going so far as to judicially advocate informing the authorities of any Jewish activity on behalf of the Prussians. Landau's actions in this area were all that the authorities could ask, and he gained the favor of the Habsburg administration and held it for the rest of his life.

Ultimate confirmation of official favor came when Maria Theresa paid her first visit to Prague after the fighting. The empress received a Jewish delegation headed by the Chief Rabbi, whose imposing appearance in his official garb and whose demeanor favorably impressed her.⁹⁴⁶ Considering the character of this violently anti-Jewish empress, this was quite an

⁹⁴⁵See Muneles, *Bibliographical Survey of Jewish Prague*, 80, which lists "Beschreibung derer Dansagungs-Gebetter, welche die Prager Judenschaft wegen Abweichung des Feindes den 29. Juni 1757 in der sogenannten Synagoge Alt-Neu-Schul verrichtet haben." I have not seen this pamphlet.

⁹⁴⁶Kestenberg-Gladstein, 44.

accomplishment, and Maria Theresa made it clear in 1776 that on those occasions that governmental affairs required her to deal with rabbis, Ezekiel Landau was the rabbi she regarded most highly and in whose hands she preferred to entrust her highest rabbinical offices.

The success of the public displays of patriotism, which the community made sure to translate into German and publish, and which must certainly have been brought to the attention of the government in Prague and Vienna, led Landau and the Prague Jewish leadership to act similarly on other public occasions. When Maria Theresa's husband died in 1765 and was succeeded by her son Joseph II as Holy Roman Emperor, Landau preached a pre-Passover sermon in honor of the glorious event.⁹⁴⁷ Landau and the community leadership held public prayers for the empress when she was ill in 1767, and a festive service in a brightly decorated synagogue when she recovered. Both proceedings were published in German.⁹⁴⁸ He led similar services with festive celebrations on the occasion of the conquest of Belgrade in 1789 by Joseph II's army,⁹⁴⁹ and later on the occasion of the coronation of Joseph's successor Leopold II.⁹⁵⁰ All were published in German.

For his part, Landau, who was received by the empress one other time, was clearly impressed with the personality of Maria Theresa.⁹⁵¹ He paid tribute to it in a stirring eulogy for her which he delivered in 1780, a eulogy which went beyond the formal expressions of grief

⁹⁴⁷This published sermon has not survived.

⁹⁴⁸See Muneles, 83: "Gebeth, welches auf Anverlangen deren Aeltesten, und Gemeindeaeltesten der Prager Judenschaft von dem OberRabbiner EZECHIEL LANDE, und denen Oberjuristen eigentlich componiret worden, GOTT der allmaechtigen anzuruffen, und um die Wiedergenesung Ihro kais. koenigl. apostolischen Majestaet unserer allergnaedigsten Erb-Lander Fuerstinn und Frauen in denen oeffentlichen Synagogen zu bitten. (Prague, 1767)

⁹⁴⁹Muneles, 101.

⁹⁵⁰Muneles, 104: "Herzengefuehl und Gebet der saemmtlichen Judenschaft in Prag an dem allerfeyerlichsten Kroenungstage unseres allergnaedisten Kaiser Leopold II. am 6.Sept. 1791.

which would have been delivered for any sovereign for tactical reasons. Landau's emotional speech is strange. The empress was certainly not friendly to the Jewish community. She made no secret of her abhorrence, maintaining the hated "familiant laws" barring the marriage of any but the oldest son in a Jewish family, imposing a very heavy tax burden upon Bohemian Jewry, barring Jews from Austria and from many areas of economic activity, and in general seeking even in her last year to "establish some other limitations upon Jewry."⁹⁵² How could Landau ignore these blatant facts?

Two answers suggest themselves. First of all, in spite of the empress' many anti-Jewish measures, she did guarantee and maintain the basic physical security of her Jewish subjects during her reign. There were no anti-Jewish outbreaks in the Habsburg Monarchy after the Prague riot of 1744. Security was understandably the most important factor for Landau and his fellow Jews, and it was undoubtedly fundamental to whatever favorable image the empress had in their eyes and in Landau's. On occasion, Maria Theresa did aid her Jewish subjects in matters affecting their physical well-being. Specifically, her Bank of Vienna did advance 200,000 gulden to the Jews of Prague after the fire of 1754, a fact mentioned by Zerah Eidlitz, and during the famine of 1771, she provided food for the Jews of Bohemia along with the rest of the population, a fact cited by Landau in his eulogy.

Second, Landau and the Jews seem to have been puzzled by Maria Theresa's personality. The empress' attitude towards her Jewish subjects did not seem to fit the fair, compassionate, moral, and generous personality for which she was famous. Had she been regarded as a tyrant, a cruel and vindictive person by nature, then her anti-Jewish policies would have seemed consistent with her negative image. But the empress enjoyed a positive image in terms of her

⁹⁵¹Kestenberg-Gladstein, 44, states that Landau had two audiences of the empress.

policies and personality, and a person like Landau must have found it difficult to understand why she hated the Jews.

Landau seems to have concluded that Maria Theresa's negative policies towards Jews was a divine punishment for the ritual sins of the Jews. as he put it in an early sermon:

It is on account of the lack of Torah study that our servitude increases and the tax burden becomes heavier. In truth, has anyone ever seen or heard of such heavy taxes in other countries? Yet our queen is not cruel by nature; she is indeed gracious and compassionate, and her outstanding qualities are well-known. Rather, God placed in her heart the idea of increasing the burden of our taxes as chastisement for our sins.⁹⁵³

Such an appraisal of royal personality followed the Scriptural dictum: "Like channeled water is the mind of the king in the Lord's hand; He directs it to whatever he wishes,"⁹⁵⁴ that a monarch's attitudes are directed by God. Accordingly, if a monarch was generally compassionate but displayed an anomalous hostility to her Jewish subjects, it was God's doing. Such a viewpoint allowed Landau to overlook Maria Theresa's negative policies towards Jews as something for which she was not to be held responsible, and it freed him to evaluate her in terms of her other, benevolent, policies.

Attempts to Leave Prague, 1757-1776

⁹⁵²Max Grunwald, *History of Jews in Vienna* (Philadelphia, 1936), 147.

⁹⁵³ עבור בטול תורה השעבוד מתרבה, וכל זה גורם כובד המס. ובאמת הנשמע או הנראה מס כבד כזה בכל המדינות? והמלכה שלנו...איננה אכזרית בטבעה, והיא מלאה חסד ורחמים כמפורסם בכשרון מדותיה. ומן השמים הוא שניתן להמלכה שלנו...*Derushei ha-Tzlah*, 16a. See similar remarks on 50b.

⁹⁵⁴*Proverbs* 21:1.

In light of the internal and external difficulties Ezekiel Landau encountered in Prague, it is not surprising that he sought to leave Prague whenever a suitable opportunity presented itself, that is, whenever another communal rabbinical post of a stature not inferior to that of Prague became vacant. In 1758, the Jewish community of Frankfurt a Main decided to seek a new rabbi, and Landau submitted his candidacy. The Frankfurters made inquiries to see how serious Landau was, doubtless wondering why anyone would prefer the smaller community of Frankfurt to Prague, whose Jewish population was four times greater. They corresponded with an informant in Prague, Levi Penta, as to Landau's suitability for the post. Penta assured them that Landau was more than suitable. Indeed, his letter serves as an excellent historical document of what kind of qualities were sought in a communal rabbi in the eighteenth century. Penta described Landau in the following terms:

He is outstanding in Torah, piety, and pilpulistic skill. He can lucidly explain all that is difficult and obscure and he knows how to deliver pilpulistic lectures. He is a good speaker, delivers many speeches with good content, as many as two or three a month if he is asked. What is even more impressive is his mastery of the *Shulkhan Arukh*. Finally, he is a very wise and clever person.⁹⁵⁵

At the direction of the Frankfurters, Penta contacted Landau directly and asked him if he was serious about leaving Prague and accepting the offer from Frankfurt. According to Penta, Landau replied:

In truth, I lack for nothing here. However, I suffer much anguish and am unable to tolerate the overcrowding and the cries of the poor and unfortunate due to the heavy taxes of

⁹⁵⁵ הוא מופלג בתורה וחסידות ובחריפות. כל סתום ונעלם מברר ומתרץ ומגלה ומחלק בחלוקא דרבנן. נאה דורש דרושים רבים וחמודים אף פעמים ושלש בחדש אם בקשנו ממנו. יותר מהמה בקיאותו בש"ע העומד על ארבעה. ומה גם איש חכם ונבון מאוד. "Ketavim me-Arkhiyon Kehilat Frankfurt de-Main," [Documents from the Archive of the Frankfurt Kehilah], *Tzefunot* 8 (Tammuz, 5750), 105.

various types imposed upon this community. That is why I am willing to move to Frankfurt, but not for a lesser salary than I enjoy here, where I receive eighteen gulden a week. "In sacred matters one must rise [in salary]. At the very least, one does not fall!"⁹⁵⁶

Landau's statement about why he would leave Prague for Frankfurt may have been somewhat disingenuous, for the situation of the Jewish community in Frankfurt was hardly better, and probably worse, than that of Prague. The Frankfurt Ghetto was notorious for overcrowding, unsanitary conditions, and an insalubrious climate. The Jews of Frankfurt were subjected to all kinds of restrictions, petty and serious.⁹⁵⁷ Perhaps Landau was unaware of this. Perhaps he was aware, but he thought life would be better for him in there than it had been in Prague. It should be recalled that the Seven Years' War was raging at the time, and Landau may have feared another siege. On the other hand, Frankfurt at the time was under French occupation, which was relatively benevolent to the Jews there.⁹⁵⁸ Ultimately, it was probably Landau's frustration with his community in Prague which led him to consider the Frankfurt offer. A few months after his interview with the agent of Frankfurt, Landau gave vent to his frustration in an emotional pre Yom-Kippur sermon in Prague:

The sole purpose of my sermons is to fulfill [the Biblical injunction], "You shall surely admonish,"⁹⁵⁹...but I see that my hopes have been disappointed. I have been in this city nearly three years and I have fulfilled my obligation to admonish in my first [pre Yom-

לא חסר לי כלום, רק יש לי צער גדול ולא אוכל לסבול גודל הלחץ זו הדחק צעקת עניים ואביונים מכובד המסים⁹⁵⁶ וארגוניא המוטל על בני קהלה זו. על כן אני מרוצה לק"ק פפד"ם, אך לא בגרעון כסף אצא ליטול שכר קבועה פחות ממה שיש לי כאן שמונה עשרה זהובים בכל שבוע ושבע. ומעלין בקדש, ולכל הפחות אין מורידין. "Ketavim me-Arkhiyon Kehilat Frankfurt de-Main," 106. See also Markus Horowitz, *Rabbanei Frankfurt* (Jerusalem, 1972), 123.

⁹⁵⁷A. Freimann and F. Kracauer, *Frankfort* (Philadelphia, 1929); Niall Ferguson, *The House of Rothschild* (New York, 1998), 37-39.

⁹⁵⁸Freimann and Kracauer, 146.

⁹⁵⁹*Leviticus* 19:17.

Kippur] sermon and last year in my second. I see, though, that my efforts have not succeeded, that my words have not borne fruit...Not only do you not accept my admonition, but the more I speak the greater the number of breaches!...I blame myself. Because of my many sins I am not worthy to be one of those who promote the public [spiritual] welfare. I beg you with tears in my eyes to accept my admonition and allow my words to enter your ears!...Although I have seen that in past years my words have not borne fruit, I say to myself, "If there is even one person in the community on whom I can make an impression to purify his heart, that, too, would be no small matter."⁹⁶⁰

The plaintive tone of personal injury in these remarks suggests that Chief Rabbi Landau, who followed these remarks with an extensive list of the ritual and moral faults of his community, did not feel that he was enjoying the success that a forty-five year old communal rabbi at the height of his powers was entitled to expect. The opportunity to try again in another community was not one to be ignored.

In the end, Landau was not elected to the Frankfurt rabbinate, and less than a decade later, Landau was to argue so energetically against a certain ruling of the Frankfurt *beth din* that an outraged kehilah of Frankfurt would actually pass a law barring Landau and his descendants from ever holding communal office in their city.⁹⁶¹

A year later Landau submitted his candidacy for the rabbinate of Brody. In a sermon in Prague, Landau had held up the Jewish community of Brody as a model of charity and benevolence to the poor, in contrast to the Jews of the Bohemian capital, whom he chastised as insensitive to the poor:

כל כוונת הדרוש שלי לקיים מצות "הוכח תוכיח". אבל רואה אני שתוחלתי נכזבה. זה לי קרוב לשלש שנים⁹⁶⁰ בעיר הזאת, וכבר קיימתי פשטיה דקרא הוכח תוכיח שהוכחתי אתכם בדרוש שדרשתי שבת תשובה הראשון, ושוב שניתי אשתקד. ורואה אני...שדברי לא הצלחתי ולא עשו פירות. לא קבלתם מוסרי. ולא עוד, כל שאני מוסיף במוסר הפרצות מתגברות...ואני תולה החסרון בי על רוב פשעי, אין אני ראוי להיות בכלל מזכה את הרבים...אני מבקש מכם בבכי ובתחנון ובבקשה, קח מוסרי ויכנסו דברי באזניכם...ואף שראיתי בשנים שעברו שדברי לא עשו פירות, אמרתי *Derushei ha-Tzlah*, אני אל לבי, אם ימצא אחד מכל העם שאעשה איזה פעולה לטהר לבבו, גם-כן דבר גדול הוא 14-15.

⁹⁶¹This was in connection with the famous controversy that revolved in 1766-1767 around the so-called *Get* or divorce in Cleves, see below.

Behold the community of Brody. Every respected householder has a specific sum [he donates to charity] on every festival. Many give such a sum every week. Indeed, the charity donated and disbursed in Brody is indescribable! Yes, they are able to afford it. It is obvious to me that the great [economic] success of the Brody community is due to the charity they disburse to the poor.⁹⁶²

In 1760 the community of Brody held elections for a communal rabbi. The previous incumbent, the candidate of the powerful families of Aryeh Leib Bernstein and his wife Haya, had been deposed from office because leading Brody scholars questioned his scholarship.⁹⁶³ The rabbi of the *kloiz* in Brody in 1760 was Ezekiel Landau's first cousin Joseph, formerly rabbi of the *kloiz* in Opatow.⁹⁶⁴ It must have seemed to the Prague Chief Rabbi that his chances were good, given his connections. In the end, though, he was not elected. Instead, his old friend and relative Yitzhak Horowitz was chosen. Horowitz was also a great scholar and was even more well-connected than Landau - Horowitz had married first the sister of the powerful Jacob Babad of Brody and then her niece.⁹⁶⁵

The failure of Ezekiel Landau to secure the Brody rabbinate did not mean that the Landau family would not keep trying. Indeed, Ezekiel Landau's son Yakobka (1750-1822) was a candidate for the position when it fell vacant in 1785. Yakobka, who married and subsequently divorced the daughter of Yitzhak Horowitz and then married the daughter of a very wealthy Brody family, was very nearly elected, but in the end lost out to a rival candidate. Nevertheless,

והנה בקהילת ברוך, מי שהוא מכונה בשם בעל הבית נכבד יש לו קצבה ברגלים. והרבה שיש להם קצבה בכל שבווע. הצדקה שעושים בבראד אין לספר. וזה עלתה להם, שזה פשוט אצלי שכל הצלחת קהלת בראד היא בזכות צדקתם שנותנים לעניים. *Derushei ha-Tzlah*, 17.

⁹⁶³Gelber, *Brody*, 56.

⁹⁶⁴*Ibid.*, 70.

⁹⁶⁵*Ibid.*, 57-58. Horowitz and Landau were not actually related. They were connected in the following manner: Horowitz's brother and Ezekiel Landau married sisters. Later Ezekiel's son

Yaakobka lived in Brody for the rest of his life. In 1829, the Landaus finally attained the prize when Yakobka's nephew Elazar Landau, son of Ezekiel's son Israel, was elected rabbi of Brody.⁹⁶⁶

Four years after the Brody election of 1760, the two rivals Ezekiel Landau and Yitzhak Horowitz competed once again for a prestigious rabbinate, that of Altona-Hamburg-Wandsbek, vacated by Jonathan Eibeschutz who died that year. It is difficult to understand how Ezekiel Landau could have thought that he would have a chance of election considering the presence in Altona of his sworn foe Jacob Emden, who did indeed oppose Landau's election. Apparently the leaders of the "Triple Community" of Altona-Hamburg-Wandsbek did not want to endure a continuation of the Emden-Eibeschutz strife revolving around a Chief Rabbi Landau, whom the Emdenites charged with the sin of supporting Eibeschutz. Popular legend has enshrined the continued hostility of Emden to Landau in the following story. Horowitz visited Altona to secure the support of Emden. Horowitz was accompanied by his son-in-law, none other than Ezekiel Landau's son Yaakobka. Emden asked Yaakobka whether or not his father-in-law was a talmudic scholar. "That's what everyone says," replied Yakobka with appropriate modesty. "Ha!" retorted Emden. "Everyone says your father Ezekiel Landau is a scholar, and we know that is not true!"⁹⁶⁷ Whatever the truth of this tale, Emden eventually threw his support to Yitzhak Horowitz, who was elected to the post, beating out Landau once again.⁹⁶⁸

Landau's repeated attempts during his first decade in Prague indicate his dissatisfaction with his situation there. And yet, during the 1760s Ezekiel Landau gained a reputation as a

Yakobka married Yitzhak Horowitz's daughter. (Raphael, "Le-Farshat ha-Yehasim bein Rabbi Yehezkel Landau ve-Rabbi Yitzhak ha-Levi Ish Horovitz," 1148.)

⁹⁶⁶Kamelhar, 92-94, 102-104.

⁹⁶⁷Kamelhar, 92-93.

gadol, a "great one," a "super-rabbi" whose moral jurisdiction transcended his formal legal jurisdiction. The latter was confined to his own community of Prague. This reputation was not the result of any published work, for Landau did not publish in the 1760s. If his reputation did grow, it can only have been the result of popular rumor and report. Prague scholars heard his lectures and sermons. Communal rabbis corresponded with Landau on legal matters, and copies of Landau's responsa undoubtedly circulated in circles interested in such matters, namely rabbis and *dayanim*, Jewish judges, who had to issue rulings in their own communities and who therefore would find legal rulings of the Chief Rabbi of Prague useful. Finally, there was Landau's yeshiva, where students were exposed to his scholarship and talked about it.

Landau's yeshiva seems to have flourished in quality and quantity. Landau delivered no less than four lectures a day.⁹⁶⁹ A number of his students went off to become communal rabbis in various communities in Central Europe. The *Noda BiYhudah*, published a decade later, is replete with letters by Landau to former students now occupying the rabbinates of small communities. These students addressed their legal and sometimes personal problems to Landau, who was willing to be an indefatigable correspondent in order to maintain contact with ever increasing numbers of former students, in addition to his other correspondents. In general, if we are to form a picture of Ezekiel Landau during these years, it would be that of a man with pen in hand,

⁹⁶⁸Gelber, 58; Duckesz, *Iwoh le-Moschaw*, 53; Leiman, "When A Rabbi is Accused of Heresy," 194.

⁹⁶⁹"Many of the best students flocked to his yeshiva ('beit midrash') to 'receive the Torah' from him." Shimon Khones, *Toldot ha-Poskim* (Warsaw, 1910), 146. On Landau's exhausting daily schedule of classes, see the eulogy for Landau by his student Elazar Fleckeles, who states that Landau taught four classes a day, two in different tractates of the Talmud, and two in different sections of the *Shulhan Arukh*: באלה תלמידים שיעורין דאורייתא, באלה ארבעה פרקים בכל יום קבע ללמוד עם תלמידים שיעורין דאורייתא, באלה שולחן ערוך זה ובאלה שו"ע אחר. מסכת אחת ובאלה מסכת אחרת, באלה שולחן ערוך זה ובאלה שו"ע אחר. E. Fleckeles, *Olat Hodesh ha-Shlishi* (Tolcsva, Hungary, 1912) 85b.

constantly dashing off letters on various subjects in between his official activities in the community and his classes in the yeshiva.

These students obviously spoke in their communities of their teacher, whom they extolled as a great rabbi. Indeed, Gutmann Klemperer states that Landau's students "literally worshipped him."⁹⁷⁰ Many students saying the same thing in many communities must have created a widespread popular image of Landau as a more than ordinary rabbi, as a *gadol*.

Participating in International Halakhic Controversies:

For his part, Landau was willing to play the role of *gadol* by involving himself in halakhic controversies outside of his own community. Two examples in the 1760s were the controversy surrounding the "*Get* of Cleves" and the one concerning the "Horowitz *Get*," both in the second half of the decade.

The first case involved a *get*, a halakhic divorce, executed in Cleves in 1766, ending a fifteen-day-old marriage between a groom from Mannheim and a bride from Bonn, both teenagers.⁹⁷¹ The groom had acted strangely during his two-week marriage, showing signs of possible paranoia. Formally, under Jewish law it is the husband, not the court, who dissolves a marriage; the court merely supervises the process in order to ensure that the husband follows proper legal procedure. Practically, divorce proceedings are viewed as the province of halakhic experts, beyond the competence of the average rabbi. The fact remains, though, that it is the husband who dissolves the marriage. If the husband is not sane, he cannot divorce, and no court

⁹⁷⁰Klemperer, "The Rabbis of Prague," 66.

can do it for him. Thus, when the groom's family, who were dissatisfied with the divorce's financial arrangements agreed to by the groom, contested the validity of the divorce on the grounds that the groom was of unsound mind, their rabbi, the Chief Rabbi of Mannheim, supported the claim. The rabbi of Mannheim asked for and received the strong endorsement of the beth din of Frankfurt, who issued a ruling that the *get*, the document that was the instrument of divorce, was invalid due to the mental condition of the groom at the time of the divorce.

In taking such a step, the Frankfurt beth din was claiming the right to judge the actions of the beth din of another independent community, that of Cleves, whose rabbi and beth din were acknowledged and competent scholars. Such a claim was highly irregular, for most Jewish communities in Central Europe were independent, and one community could not issue rulings and directives to another if the other community had its own rabbi and beth din. The rabbi of Cleves protested the action of the Frankfurt beth din, which, he submitted, was a personal insult to him and his beth din. The Cleves rabbis, he asserted, had interviewed the groom and satisfied themselves as to his mental competence at the time. That should have settled the issue. Both sides wrote at great length defending their respective points of view concerning the competence of the groom.

Over the next six months the dispute grew into a cause celebre as every important rabbi in Germany weighed in on the matter. All of them without exception supported the Rabbi of Cleves and the validity of the divorce. The Frankfurters were criticized both as to their incorrect legal position on the question of the groom's sanity as well as to their "unconstitutional"

⁹⁷¹There is an entire literature concerning the "*Get* of Cleves." Some accounts contain factual errors. The clearest reliable summary is Aaron Rothkoff, "The Divorce in Cleves, 1766," *Gesher* 8 (1968), 147-169. The account here follows Rothkoff.

interference in the work of a duly-constituted community beth din which in no way was subject to Frankfurt's jurisdiction.

In the face of universal criticism, the Frankfurters dug in their heels and insisted on the correctness of their position in all its aspects. Repeatedly they admonished the bride not to remarry until the matter was cleared up, that is, until they were satisfied that the groom had recovered his sanity and then issued her a new *get*.

Ezekiel Landau was one of those important communal rabbis who sided with the rabbi of Cleves. He considered the position of the Frankfurt court unreasonable and incorrect in its legal reasoning. Nevertheless, in a letter to the rabbi of Cleves in April of 1767 he appealed to him to yield to the Frankfurters and try to arrange another divorce proceeding where the groom, who was now apparently sane, would divorce the bride once again, satisfying everybody. "Although we could overwhelm [the Frankfurt beth din] with opinions opposing their ruling, who can stop the slanderers who will in future times accuse [the bride's children and descendants] of illegitimacy?"

Over the course of the next few months Landau changed his mind and came to the conclusion that the bride was an *agunah*, who might never be able to remarry if the original divorce was challenged as invalid. Landau repeatedly wrote to the Frankfurt court begging them to yield to the universal opinion of all the great rabbinic scholars of the day. When the Frankfurters proved unyielding, continuing to publicize their invalidation of the divorce, Landau was moved to an unusual action. At a pre Yom-Kippur sermon attended by a thousand people, Landau spoke on the sin of pride and applied it to the cause celebre. Dramatically he pronounced, "May we be as surely redeemed this year from our exile among the "Ishmaelites" as

this woman is free to remarry!"⁹⁷² Every great scholar had stated that the divorce was valid, the bride free to remarry. But the Frankfurters would not listen to reason. Remarkably, Landau publicly analyzed the mind set of the Frankfurt beth din:

There is no doubt that at first they did not want, God forbid, to maliciously spread rumors [about a valid *get*; they honestly felt that the *get* was not valid.] They were simply mistaken in their legal ruling. Even the greatest rabbis occasionally err in their legal rulings. Now, however, because of pride and jealousy they adamantly maintain their position. I cry over this [spectacle], for I know that these men are *gedolei Yisrael*, truly great scholars in Israel, and they have stumbled in this matter. In any event, I am obligated to proclaim that all the pronouncements of Frankfurt in this matter are worthless, and no person is to heed their words. Even though their honor is truly great, nevertheless, when desecration of God's name is involved, I must concern myself with the honor of God and the Torah, and with the protection of Jewish daughters!⁹⁷³

Such a public criticism of a leading beth din in front of a lay audience, such a public indictment of the judgment and character of leading rabbis - the Frankfurt rabbinate and beth din was one of the most respected and prestigious in Europe - unsuspected of heresy, was quite unprecedented. It provoked an angry reaction in Frankfurt, where Landau's speech and letters were publicly burned by the beth din, and Landau and his descendants barred from ever holding office in that community, which was about as severe a punishment as the Frankfurt community could inflict on an outsider.

Landau's public stand, especially his willingness to dramatically and publicly criticize a highly prestigious community beth din knowing full well how such an pronouncement would

⁹⁷² ככה נזכה להיות מותרים השנה הזאת מגלותנו הישמעאלית כשם שהאשה הזאת מותרת לכל אדם מישראל חוץ מכהנים וקרובים. *Drushei ha-Tzlah*, 86. The reference to "Ishmaelites" is a euphemism. Landau (or the publisher) did not want to say "our exile among the Christians," though that, of course, is what he means.

⁹⁷³ והנה חס ושלום לא היה כוונתם להוציא לעז. אלא מתחלה נכשלו בהוראה. ואף לגדולים בישראל אירע לפעמים שגגת הוראה. ועכשיו בעו"ה שוב מחמת כבודם וקנאתם מחזיקין בזרוע בדעתם. ועל זה אני בוכה, שאני יודע שהאנשים הללו גדולי ישראל המה ונכשלו בזה. ועל כל פנים זאת מוטל עלי לפרסם: שכל הכרוזים שלהם בעסק הך

outrage the Frankfurters, his interference in matters outside his formal jurisdiction, all indicate that at the age of fifty-four Ezekiel Landau considered himself and was viewed by others as more than a communal rabbi. He was a major figure in the rabbinic world, an active participant in European Jewish politics to the degree that such politics involved halakhic matters. He expected that his opinion would count, and that he would not invite ridicule or contempt by intervening. Indeed, he was correct. His criticism of Frankfurt met with anger, not with contempt. Clearly, the episode reveals Landau as a *gadol*, who considers the whole area of the halakha, regardless of geographical or formal jurisdictional boundaries, as subject to his legitimate interest and interference.⁹⁷⁴

A second controversy broke out around the same time, and this time it was Ezekiel Landau who provoked it by interfering in a matter outside his community.⁹⁷⁵ This controversy revolved around another *get*, one which was "in the family." In 1755, Joshua Heschel Horowitz was unhappily married to Vitche, daughter of a distinguished rabbi and herself an impressive Talmud scholar.⁹⁷⁶ The couple was childless and constantly quarreled. Joshua Heschel wanted to divorce Vitche but she refused, as was her right. Although Biblical law allowed a husband to divorce his wife against her will, a *herem*, an enactment attributed to the medieval authority Rabbi Gerschom of Mainz (900-970) prohibited his doing so. In spite of this famous enactment, Joshua Heschel sought to rid himself of his wife and to remarry. He turned to his uncle, none other than Yitzhak Horowitz, at the time rabbi of Glogau, who, it seems, admonished Vitche to

איתתא אין בהם ממש, ושום אדם לא יחוש בזה לדבריהם. ואף כי כבודם רם, מכל מקום בזה שיש בו חלול השם צריך *Drushei ha-Tzlah*, 86. אני להשגיח על כבוד שמים וכבוד התורה ועל תקנות בנות ישראל.

⁹⁷⁴The story had an anticlimactic end. Groom and bride eventually reconciled and "remarried," rendering the entire affair moot.

⁹⁷⁵The details of this controversy are given in Kamelhar, 54-55; Gelman, 28-31; Raphael, 749-752; Markus Horowitz, *Rabbanei Frankfurt*, 145-148.

agree to a divorce. Vitche stood on her rights and refused, even though Yitzhak Horowitz and other rabbis ordered her to agree. At this point, Yitzhak Horowitz issued a ruling permitting his nephew to divorce Vitche against her will, a most unusual judicial contravention of the enactment of Rabbi Gerschom. In practice this meant that Joshua Heschel could have a *get* drawn up which he would hand Vitche against her will. No ruling could eliminate the halakhic requirement that a *get*, an actual document, be physically conveyed to the wife. A *get* was drawn up by a distinguished rabbi, Aryeh Leib of Skole, a son of Joshua Jacob Falk, the Chief Rabbi of Frankfurt and famous antagonist of Eibeschutz. The *get* was formally given in court to a *shaliah*, an agent or proxy of the husband, to deliver to Vitche. She was accosted on the street and her arms were forcibly held by two Polish soldiers hired for the purpose. At that point the agent thrust the *get* onto her person even as she screamed in protest. Having satisfied himself that he was divorced, Joshua Heschel proceeded to remarry, eventually becoming rabbi of Dombrovo in Galicia. For her part, Vitche asserted that she was still married and that Joshua Heschel had no right to marry another woman. Aside from her complaint that the divorce had been forced upon her illegally, she claimed that in the scuffle the *get*, the divorce document, had torn before it reached her, technically invalidating the document and therefore the divorce.

That is how matters stood for over a decade. During this time Ezekiel Landau was in Prague, but he was by no means unconnected to the affair. Joshua Heschel Horowitz was Landau's nephew; Horowitz's mother and Landau's wife were sisters. The whole affair must have been quite a scandal, both in human as well as halakhic terms. No information survives of Landau's reaction to the human drama, but in 1766 Landau wrote a responsum attacking the validity of the divorce on the legal grounds that the actual giving of the document had been

⁹⁷⁶Kamelhar describes her as a מלומדת ומופלגת בש"ס ופוסקים, learned and expert in Talmud and

performed by an agent of the husband in contravention of the enactment of Rabbi Gershom of Mainz. This meant that the agent had done something in violation of Jewish law, and any act done against the law automatically invalidated the agency. Thus, the agent was no agent. According to this analysis, the *get* was not handed to the wife by the husband or by someone legally recognized as his agent, the only persons legally empowered to do so. Therefore, the divorce was not valid, and the husband was illegally married to the second wife. Landau's analysis of the nature of the halakhic concept of agency lay at the very heart of his argument, and he adduced various talmudic and halakhic sources which he interpreted as supporting his thesis. In addition, he argued that the enactment of Rabbi Gershom of Mainz, though not a talmudic law, was nevertheless of great weight, and violation of the enactment was a sin sufficiently grave to invalidate the agency.⁹⁷⁷

In making these arguments, Landau did not address the ethical question of the nature of Joshua Heschel's action. Instead, Landau couched his remarks in purely legal terms. However, the inescapable implication was that those involved in the affair had ridden roughshod over the law in order to help a well-connected family member. Ultimate responsibility lay with Yitzhak Horowitz, recently elected Chief Rabbi of Altona-Hamburg-Wandsbek, who had issued the ruling justifying the coerced divorce. Thus, in this responsum Landau was seriously criticizing his old friend and rival, whose daughter was at the time married to Yaakobka Landau. It is not surprising, therefore, that Yitzhak Horowitz replied, hotly defending his ruling. Horowitz argued that Landau's halakhic analysis was incorrect. The enactment of Rabbi Gershom did not carry such weight that violation of it constituted a "sin;" therefore the agent who handed Vitche the *get* was a valid agent, and the divorce was fully effective.

halakhic literature, *Mofet ha-Dor*, 54.

Having refuted Landau's basic legal arguments, the Chief Rabbi of Altona-Hamburg-Wandsbek turned to Landau's bizarre timing. Eleven years had passed since the incident. Why was Landau bringing this up now? For his part Landau replied that he had not been aware that the *get* had been given by an agent, a crucial detail which invalidated the divorce. In general Landau offered a point-by-point rebuttal of Horowitz's arguments, asserting that he, Landau, was following the plain truth, the plain logic of the law, whereas Horowitz was being moved by personal considerations to twist the law. Indeed, Landau went so far as to charge that Horowitz had lied when he stated that Vitche had refused to live with her husband or violated court orders and was therefore subject to divorce against her will. Such blunt charges indicate a high degree of tension over this family scandal. In even stronger language Landau declared Joshua Heschel automatically excommunicated as a bigamist by virtue of his violation of the enactment of Rabbi Gerschom prohibiting bigamy, unless Joshua Heschel divorced his second wife and returned to Vitche, who was still his wife. "If his second wife listens to him and remains married to him, she will share in the curse that will befall him. They will live and die cursed and childless!"⁹⁷⁸

The controversy grew as news reached other rabbinical scholars, including the rabbis of Brody, Fuerth, and Lachowicze, all of whom sided with Yitzhak Horowitz.⁹⁷⁹ Indeed, the rabbi of Lachowicze, Pinhas Horowitz (no relation), wrote that "though Ezekiel was so exemplary in his actions and piety that I kiss his hands in respect, he has greatly overreached himself" in

⁹⁷⁷*Noda BiYhudah I Even ha-Ezer* 75.

⁹⁷⁸ואם אשתו תשמע אליו לדור עמו - היא אשתו השניה - גם היא תלבש קללה כמוהו. ארורים וערירים יהיו וערירים ימותו. Ibid., 76-77.

⁹⁷⁹Landau included much of the correspondence in the *Noda BiYhudah*, nos. 76-82.

challenging the divorce issued by a bona fide beth din in Poland and validated by genuine scholars.⁹⁸⁰

Although the controversy did not become as widespread as that revolving around the Cleves divorce, it did rage in rabbinic circles, Landau's world. Moreover, although the only information we have is the rabbinic correspondence on the affair, there must have been more to it than fine points of Jewish law, for Joshua Heschel was eventually arrested by the Polish authorities and imprisoned in Warsaw for three years. When he was released from prison he divorced Vitche, who now agreed to accept a divorce. Both husband and wife married other spouses and had children. Ezekiel Landau, presumably, was satisfied.

In this episode, Landau was the initiator of the controversy, an unusual role for him. Moreover, he challenged a divorce issued by a duly constituted communal beth din in Poland, far from his formal jurisdiction, which is what he and others had criticized the Frankfurt beth din for doing in the Cleves controversy. Family considerations must have played a role in his intervention, but the very fact that he did intervene and cause a storm indicates again his stature as a "super-rabbi" whose scholarly eminence entitled him to involve himself in halakhic matters beyond the bounds of his community, whose renown made him a kind of informal guardian of

⁹⁸⁰והיה יחזקאל למופת במעשיו ובחסידותיו, אך אחרי נשיקת שתי ידותיו בדבר הזה, הפריז על מידותיו. Pinhas Horowitz, *She'elot u-Teshuvot Giv'at Pinhas* (Lvov, 1838), no. 29. Pinhas Horowitz's responsum, very respectfully but very firmly disagreeing with Ezekiel Landau, won this rabbi of a small Polish community wide fame and led to his election as Chief Rabbi of Frankfurt five years later. The Frankfurt community liked the fact that Horowitz supported the divorce issued by the rabbi of Skole, who was the son of Joshua Falk, their former Chief Rabbi who had lived in Frankfurt and had friends there. In addition, they liked the fact that he had decisively criticized Landau, who was cordially disliked in Frankfurt because he had criticized the Frankfurt beth din during the controversy over the Cleves divorce. See Markus Horowitz, *Rabbanei Frankfurt*, 147-148.

While Markus Horowitz describes relations between Landau and Pinhas Horowitz as strained, a letter from the Chief Rabbi of Fuerth indicates that cordial relations were eventually restored, see *Or Ha-Yashar* (Amsterdam, 1769), letter no. 12, from Rabbi Joseph Steinhart of

the law against the excesses of local communal courts. Without being asked, Landau had set himself up with some success as a court of appeal for Vitche Horowitz, and though it took many years, she did eventually have her way, thanks in part to the fact that a super-rabbi had taken up her case.

At the Summit of His Career: the 1770s

By the 1760s, then, Landau was well-known and accepted as one of the leading rabbis of the day. In the following decade his eminence increased further, placing him in the very first rank of contemporary rabbis. Two episodes reflect and probably played a role in this rise to such preeminence: his nomination to the Chief Rabbinate of Galicia, and the publication of the *Noda BiYhudah*.

In 1772, the Habsburg co-rulers Maria Theresa and Joseph II annexed Galicia as their share of the First Partition of Poland and found themselves the unwilling rulers of one of Europe's largest Jewish populations. The empress and her son strongly disliked Jews and considered the 150,000 Jews of the Hapsburg hereditary lands of Bohemia, Moravia, and Hungary too numerous for their liking.⁹⁸¹ The addition of another 250,000 Polish Jews was viewed by the Habsburgs with dismay. The military occupation of Galicia and the establishment

Fuerth. In addition, Yakobka Landau, in his biography of Ezekiel Landau, made a point of stressing the latter's extreme fondness for Pinhas Horowitz.

⁹⁸¹For Joseph II's attitude towards Jews, see Max Grunwald, *History of the Jews in Vienna* (Philadelphia, 1936), 148-151; Abraham Brawer, *Galitziyah viYhudeha* [Galicia and its Jews], (Tel-Aviv, 1956), 147-187; Raphael Mahler, *History of the Jews in Modern Times* (London, 1971), 231.

of a Habsburg administration there was a chaotic and drawn-out affair.⁹⁸² The government in Vienna took several years before deciding various questions of policy, including a precise policy towards the Jews. From the beginning, though, Maria Theresa sought to apply to Galicia the Jewish policies she had implemented in Bohemia and Moravia. The goal of these policies was the reduction of the Jewish population through marriage restrictions and all kinds of special, indeed punitive, taxation.⁹⁸³ So heavy were the taxes imposed on Galicia's Jews that Maria Theresa's own governor, Count Pergen, no lover of Jews, wrote to the empress complaining that "these exactions were so blatantly discriminatory, even the rudiments of a humane administrative practice demanded their abolition."⁹⁸⁴

By 1776, the empress had decided that in order to derive maximum financial benefit from her new Jewish subjects, Galician Jewry needed to be as centrally and tightly organized as the Jews of Bohemia and Moravia. The latter had national or province-wide organizations, *Landesjudenschaften*, with charters of organization recognized by the Habsburg government. These charters spelled out the exact privileges and, more importantly, the obligations, especially the financial obligations, of the Jews in the province. Essentially, these organizations apportioned and collected the taxes for the government. On the other hand, they administered Jewish autonomy, including officially recognized communities with legislative and judicial powers. Bohemian Jewry was legally divided into two groups, the Jews of Prague and the Jews of the rest of Bohemia. Each group had a chief rabbi and a court system. As we have seen, Ezekiel Landau had sought both positions but had obtained only the chief rabbinate of Prague.

⁹⁸²For a description of the early years of Austrian rule in Galicia, see Paul Bernard, *From the Enlightenment to the Police State: The Public Life of Johann Anton Pergen* (Chicago, 1991), 91-112.

⁹⁸³Raphael Mahler, *Divrei Yemei Yisrael: Dorot Aharonim* [Jewish History: The Modern Era] III (Merhavva, 1955), 22-26.

Moravian Jewry was similarly organized, with a national or provincial chief rabbi residing in Mikulov (Nikolsburg).⁹⁸⁵

Maria Theresa desired a similar arrangement in Galicia. Accordingly, in July of 1776, she promulgated a *Judenordnung*, setting up a Galician *Landesjudenschaft* to be headed by a *General-Direktion der Judenschaft*. Like its Bohemian and Moravian models, the Galician organization was to have the responsibility of apportioning and collecting taxes, and it would direct and administer the legislative and judicial aspects of Jewish self-government in all Galicia. The leadership of the *General-Direktion* was to consist of a council of twelve notables headed by a Chief Rabbi who was to enjoy wide powers, including the power to confirm or deny every religious functionary in Galicia. No one could become a rabbi, *dayan* (judge), *shohet* (kosher slaughterer), cantor, or even *magid* (preacher) without the approval of the Chief Rabbi, who was specifically authorized to charge a fee for his written confirmation of officeholders. No one could be ordained a rabbi without the Chief Rabbi's approval and payment to him of a graduated annual fee for the privilege. The Chief Rabbi was empowered to confirm or overturn all court decisions, making him a one-man court of appeals. He was to rule on disputes between communities, and his rulings could not be appealed except directly to the empress. The Chief Rabbi was empowered to pronounce the "great ban," a severe form of excommunication, subject to the approval of the Council of Twelve and the Habsburg government. To assist him, the Chief Rabbi would appoint a court of five judges.⁹⁸⁶

⁹⁸⁴Bernard, 104.

⁹⁸⁵For Bohemia, see the article, "Boehmische Landesjudenschaft" in *Encyclopedia Judaica* volume 10, 1403. For Moravia, see Israel Halpern, *Takkanot Medinat Mehrin* (Jerusalem, 1952).

⁹⁸⁶For the details of the *General-Direktion* and the election of Landau, below, see Kamelhar, 69-71; Mahler, 26-27; N.M. Gelber, "Aryeh Leib Bernstein, Chief Rabbi of Galicia," *Jewish Quarterly Review* NS 14 (1923/24), 304-305. Gelber gives the documentary and archival sources.

These sweeping powers indicate that Maria Theresa envisioned setting up the most powerful Chief Rabbinate of the eighteenth century, certainly over such a large Jewish community as the quarter-million Jews of Galicia. Her intentions were administrative. A centrally-controlled Jewry would be easier to administer and mold to Habsburg purposes. Nevertheless, the effect of the *General-Direktion* would have been to impose or bestow (depending upon one's point of view) a more thorough religious and political organization of Polish Jews than had existed even under the *Va'ad Arba Aratzot*, the Council of the Four Lands, the historic organization of Jews in Poland that had been abolished by the Polish government in 1764. Certainly nothing like the proposed Chief Rabbinate had ever existed in Poland. Although the origins of the office in the Habsburg bureaucracy, a group decidedly unfriendly to Jews, presaged difficulties for the incumbent, who might very well be used as a "collaborator," a figure utilized to further policies unfavorable to the Jewish population, it was also true that the office might be used for positive purposes as the term was understood by traditionalist Jews like Ezekiel Landau. If the right person held the post, he might wield its powers for what traditionalists considered the public good, that is, to impose halakhic order on unqualified and arbitrary courts and rabbis. He might purge the rabbinate of the unworthy and staff it with men of scholarship and integrity. He might insist on the equitable distribution of taxes. In short, he might prove an enlightened despot.

Under the terms of the *General-Direktion*, the Chief Rabbi was to be chosen by an electoral college of forty-eight members chosen by the communities for this purpose. The electors cast ballots, which were not secret, and the names of the three rabbis who received the most votes were forwarded to the empress, who selected her choice. The three rabbis with the

most votes were Ezekiel Landau, his old nemesis Aryeh Leib Bernstein of Brody, and the Chief Rabbi of Berlin, Tzvi Hirsch Levin.

No information survives concerning this election, but the fact that a Landau and a Babad (for that is who Bernstein was) received the highest number of votes would seem to indicate that these two families once again had mobilized their forces to win a rabbinical post, this time the most powerful rabbinical post of all. According to the *General-Direktion* the official seat of the Chief Rabbi and the council was to be in Lvov in the eastern half of Galicia, where the Landaus and Babads were powerful.

Within a short time the empress chose Ezekiel Landau, expressing her preference for the Chief Rabbi of Prague whom she certainly knew better than the other two candidates. In addition, Landau was the only one of the three who had expressed and demonstrated loyalty to the Habsburg dynasty and state. He certainly had done more to indicate political loyalty than any other contemporary rabbi. In choosing Landau, Maria Theresa publicly rewarded a loyal supporter, a prudent political act. Finally, the choice of Landau can be explained as based on the fact that he was the rabbi of the largest community in the Habsburg empire as well as the foremost Jewish scholar, whose opinions and rulings were solicited from the four corners of the empire as well as from abroad, as evidenced by his recently published *Noda BiYhudah* (see below). If the proposed Chief Rabbi of Galicia was to successfully exercise supreme rabbinical and halakhic authority, if he was to impose his authority on the rabbis and communities of Galicia, he would have to be a world-class rabbinical authority, both in terms of scholarship as well as personality. In choosing Landau, the empress and her government were most likely convinced that they were choosing a big man for a big post.

Whatever her reasons, the empress' offer was both flattering and tempting. For Ezekiel Landau it was the offer of a lifetime. Already in 1754-55 he had sought the Chief Rabbinate of Bohemia in addition to that of Prague. He was a man who was fully capable of exercising the widest authority, and this was an opportunity to do so on an unprecedented scale. As Chief Rabbi of Galicia he would not have to answer to the *kehilot*; on the contrary he would be in a position to dominate them. The proposed office held the prospect of a rabbinate with teeth in the form of the backing of the imperial government. The prospect of a very large Jewish community governed by a worthy rabbi essentially unchecked by a lay leadership was an ideal for which men like Landau devoutly wished but could never achieve in a normal *kehilah* with its powerful lay leadership. It had to have seemed very desirable to him.

In addition, Landau himself was a Polish Jew, in effect a Galician after his long residence in Brody. To return to his homeland as supreme rabbi nominated and supported by the government would have been a personal triumph, a triumphal culmination of a rabbinical career spanning the years as *dayan* in Brody, rabbi of small-town Yampol, Chief Rabbi of Prague, and finally, Chief Rabbi of all Galicia. There was no higher possible position. At sixty-three, Landau had demonstrated his abilities. Galicia would be the place where all his remaining energies would be put to good use.

It is therefore not surprising that Landau decided to accept the offer. We know of his decision from a letter in response to a halakhic inquiry by Rabbi Lemel of Eisenstadt. Landau prefaced his letter, as he so often did, with an apology for not responding to the inquiry more promptly. This time he did not excuse his lack of promptness as due to his heavy teaching schedule. Instead he attributed his tardiness to his preoccupation with the empress' offer, an offer

he was inclined to accept but which the Jews of Prague were imploring him to turn down, as they did not wish to lose him:

Your letter reached me. But I am unable to concentrate [literally: my heart is not with me] these days, for I was close to [donning] wings of flight [from Prague]. I had made up my mind and firmly resolved to return to the land of my birth. It must surely be known [to you] that I have been accepted as [Chief Rabbi] of all the lands of Galicia and Lodomeria. However, parting from [Prague] is as difficult as a fingernail parting from its flesh. For that reason, my spirit has known no rest: for every day the members of my community gather around me in various groups [to dissuade me from leaving]. They employ [so] many words, entreaties, prayers, and pleadings that they have prevented me from making a final decision. In any event, my mind is unsettled. May God guide me on the proper path!⁹⁸⁷

The pressure from his community to stay was both heavy and flattering, and in the end Landau agreed to decline the empress' offer. It appears that early on, the leadership of the Prague *kehilah* sought to dissuade the empress from choosing Landau, as a 1776 appeal to Vienna from Simon Frankel, head of the Prague *kehilah*, indicates. "Let them elect Aaron of Lemberg (i.e., Aryeh Leib Bernstein)," suggested Frankel.⁹⁸⁸

Interestingly, the imperial government would not take no for an answer. Perhaps the authorities believed that Landau was being pressured against his will by an overbearing communal leadership. Perhaps the empress was simply determined to have her candidate. In any event, for the next two years the Habsburg government continued to pressure Landau to accept the post. In the words of N.M. Gelber, "the authorities at Vienna continued to insist on Landau as

מכתבו הגיעני. והנה בימים הללו לבי בל עמי, כי כבר הייתי קרוב לכנפי התנועה, כי נגמר במחשבתי ועלתה על ⁹⁸⁷ דעתי לשוב לארץ מולדתי, כאשר ודאי נתפרסם שנתקבלתי בכל מדינות גאליציען ולאדמיריען. ואמנם הפרידה מכאן קשה כפרידת טופרא מבישרא ולכן לא שקטה רוחי. ובכל יום בני קהילתנו נאספו עלי אגודות אגודות בהרבה דברים, בעתה ותפלה ותחנונים ודע שכבר הניאו אותי מלהחליט הדבר בהחלט. ועל כל פנים עדיין אין דעתי מיושבת כראוי, *Noda BiYhudah II Orach Hayim* 36. והשם יורני הדרך הנכון.

⁹⁸⁸Gelber, "Aryeh Leib Bernstein," 306.

their choice. Protracted and wearisome negotiations resulted."⁹⁸⁹As time went on it became clear that Landau had definitely decided against the offer, and he had to take steps to persuade the authorities to relax their pressure upon him. Unfortunately, we do not know Landau's reasons, nor do we have any record of his discussions with the government over the nature and terms of the proffered post. All we know is that Ezekiel Landau had his son Yakobka in Brody write to the government explaining that his father felt compelled to accede to the insistent and desperate requests of Prague not to leave the Bohemian capital. In addition, we know that a similar request or sets of requests from Galicia arrived in Vienna. Eventually, in May, 1778, the government gave up and chose Aryeh Leib Bernstein for the post. Bernstein proved to be a singularly unsuccessful Chief Rabbi, and the entire *General-Direktion* was abolished a few years later.⁹⁹⁰

Would Ezekiel Landau have been a successful Galician Chief Rabbi? There can be no question that the empress' choice of Landau was logical, and that if anyone could have made the proposed office work, it was Ezekiel Landau. The Prague rabbi combined the qualities of scholarship, tact, political savoir faire, and communal leadership essential to the successful functioning of such a large Chief Rabbinate. In addition, he possessed the proper family background and connections. Finally, he had the singular combination of being thoroughly familiar with commerce, finance, and taxation (not surprising considering his family background) without himself being a merchant.⁹⁹¹

On the other hand, it was the intention of the Habsburg government to use the office for its own purposes, particularly the heavy taxation and Germanization of Galicia's Jews, which

⁹⁸⁹Gelber, "Aryeh Leib Bernstein," 306.

⁹⁹⁰Gelber, "Aryeh Leib Bernstein," 306-326.

⁹⁹¹As his son Yakobka, himself a successful merchant in Brody, wrote in describing his father, "the highways of commerce were clear to him" (נהירין ליה שבילי מסחר). Yakobka also praises his father's mathematical knowledge and skill. (*Divrei Yedidut*)

involved the deliberate weakening of rabbinical Judaism.⁹⁹² This trend became particularly pronounced during the reign of Joseph II (1780-1790). Joseph II was certainly opposed to the Talmud and the rabbis, whom he accused of practicing "exorcisms of the devil and all manner of similar follies."⁹⁹³ Indeed Joseph considered the advisability of appointing a commission to "investigate the Talmud and purify it."⁹⁹⁴ Ezekiel Landau would have found himself in a most uncomfortable situation trying to mediate between the two sides, and he might very well have become crushed between the expectations and demands of the government on one side, and what he as a traditional rabbi conceived as his obligations to his fellow-Jews, on the other. Perhaps that is why he ultimately agreed to decline the offer.

His rejection of the offer at the age of sixty-five was a public indication of Landau's intention to remain Prague for the rest of his life. It was clear to all in light of this episode that the Prague community valued their rabbi. For Landau personally, the strenuous and public efforts of his community to retain him must have been the ultimate vindication of his efforts to win over a community that had included many detractors. All of Prague, or at least most of it, appreciated and valued him as he undoubtedly felt he deserved. Landau had won the battle, which had commenced in 1755, for the hearts and minds of his community, and his international stature must have been correspondingly enhanced.

Publication of the *Noda BiYhudah*

⁹⁹²On Joseph II's policy towards Galician Jewry, see Brawer, *op. cit.*; Mahler, 24-38; *idem*, *A History of Modern Jewry, 1780-1815* (London, 1971), 322-333; I. Bartal, "'The Heavenly City of Germany' and Absolutism a la Mode d'Autriche: The Rise of the Haskalah in Galicia," Jacob Katz (ed.), *Toward Modernity* (New York, 1987), 33-42.

⁹⁹³Grunwald, 149.

Until the mid 1770s, Ezekiel Landau's reputation and authority was based on word-of-mouth. He had published nothing. To be sure, Landau, who very likely wrote every day of his adult life, planned to eventually publish. He kept written copies of the many responsa he wrote over the decades. The many volumes of responsa, *hiddushim*, and sermons published posthumously in the nineteenth century were based on the manuscript copies he kept. He seems to have made written copies of nearly everything he wrote, which indicates an eye to posterity and an intention to publish. As a man who lived with texts and their interpretation, he certainly knew the importance of reducing his scholarship to paper. He also realized the importance of properly editing his work.

Over the decades Landau never got around to publishing. Instead, his manuscripts piled up as he continually composed lectures, responsa, and sermons. A peculiar incident seems to have led Landau to eventually publish his first work in the mid 1770s. According to Landau's son Yakobka, a fire broke out on the upstairs floor of Landau's house sometime in the year 1775. The flames did not damage Landau's residential quarters or his study, where his papers were located, although they did destroy much property. Apparently in the successful effort to put out the fire many persons entered Landau's rooms and by the time the fire was put out many of his papers, including numerous responsa and *hiddushim*, were missing; they had been stolen by unscrupulous scholars who intended to disseminate or publish them under their own names. The thought of others stealing his work greatly distressed Landau and he resolved to finally go through his papers, locate those responsa which had not been stolen, and edit them for publication. The rest of the year 1775 was spent in editing a total of 276 responsa, obviously a small percentage of the total number he had composed over the years since the 1730s. The stolen

⁹⁹⁴Ibid., 148.

responsa were apparently never recovered; they remained in the hands of Prague scholars, who seem to have made use of them for their own purposes.

The tense atmosphere of anger and frustration over his stolen papers, an act of grand intellectual theft committed by students or scholars of his own community, is evident in a speech Landau delivered on the occasion of his completion of the editing of the surviving responsa for publication, on the first of Shevat, 5536 (January 22, 1776). Addressing an audience which clearly included scholars who were in illegal possession of his manuscripts, Landau spoke about the immortality conferred upon a scholar by authorship. If a published work of Torah scholarship contained true (as opposed to flashy but untenable) insights, the author would live on down the ages through the students who would study his works.⁹⁹⁵ In language combining contempt and indignation, Landau went on to lash plagiarizers and intellectual thieves:

There is man, and then there is the monkey who seeks to imitate man, though in reality it is an evil creature generated by the *kelipah* (a kabbalistic source of evil). There is the scholar who toils in Torah study, who studies for the most unselfish motives. [If such a person tells you that] he toiled and discovered the truth [through his toil], you may believe him. He will merit...discovering *hiddushim* and will teach many students. But on the other hand there is the one *who pretends to be rich and has nothing* (*Proverbs 13:7*). He has not learned nor taught, yet he boasts that he has learned much and composed *hiddushim*. He wears another person's clothes and deceives people by boasting of [knowledge] of which he has not the tiniest bit! He steals from the living as well as from the dead.⁹⁹⁶

In language even more cutting, Landau addressed the thieves:

אם זכה מאת השם לחבר איזה חבור, וחבור הזה נתייסד על דבר אמת וצדק על פי דרכה של תורה, איש הזה אינו ⁹⁹⁵ *Ahavat Tziyon*, no. 9, p. 25. This sermon or speech is located in an 1812 address delivered by Landau's son Samuel, who included a verbatim passage from Ezekiel Landau's address of 1776.

והנה יש אדם ויש קוף שרוצה לדמות לאדם, והוא אדם בליעל מצד הקליפה. כי יש למדן היגע בתורה ולומד לשמה ⁹⁹⁶ ו"יגעת ומצאת תאמין", וזוכה לדברים הרבה לחדש חדושים ולומר ברבים. נגד זה "יש מתעשר ואין כל": לא למד ולא לימד, ומתנשא לומר על עצמו שלמד הרבה וחדש חדושים. מתלבש בטלית שאינו שלו וגונב דעת הבריות להתגאות. *Ahavat Tziyon*, 25. ולהתפאר במה שאין לו לא מיניה ולא מקצתיה, וגזול החיים והמתים.

Now of course one does not steal from scholars who live in the same city, for every scholar recognizes his own work [and the thief will be easily exposed]. Rather, one steals [material] of scholars [who live] in other cities. Or one acquires manuscripts belonging to scholars who live far away, in other towns or other lands! Such persons extinguish the light of the Torah.

It seems fairly clear from these remarks that Landau's papers were peddled to scholars outside of Prague, who were able to falsely claim authorship. For a scholar and an intellectual it was, of course, the ultimate crime. Sneeringly, Landau asserted that his stolen papers would not see the light of day because the purchasers would not dare publish them under their own names:

One can orally read and transmit [stolen material] in his own name and thereby acquire money and honor. But all this can only be for the moment. But to actually publish someone else's material under one's own name in a book, that is something hard to do, for that sort of thing gets wide exposure and [the inevitable discovery of the theft] will be a permanent reminder of sin and a source of shame and embarrassment for [the perpetrator], *like the shame of the thief when he is caught in the act (Jeremiah 2:26)*. Such a brazen act is not common. There are very, very few who are sufficiently brazen to publish as their own the scholarship of another person.⁹⁹⁷

From all this it is clear that Landau's publication of his responsa was for the purpose of getting his work into print before more of it was stolen, and to prevent others from plagiarizing his material and attributing it to themselves.

Whatever the reason, the collection of responsa, which Landau named *Noda BiYhudah*, "Known in Judah," after *Psalms* 76:2, commenced publication on the last day of Adar 5536

בזה נותן עיניו לקרותם ולהגידם בשמו ולהשיג בזה ממון וכבוד. וכל זה יכול לעשות לפי שעה. אבל להדפיס דברי 997 זולתו בחיבור, הוא דבר קשה לו, כי זה דבר המתפשט בעולם, ויהיה לו למזכרת עון ולבשת ולכלימה "כבשת גנב כי Ibid. ימצא". ולא שכיח כל כך, וולא נמצא כי אם מעוטי דמעוטי חציף כולי האי להדפיס בשמו מה שהוא מאחרים.

(March 20, 1776).⁹⁹⁸ In a letter to the rabbi of Halberstadt, Landau claimed that he personally supervised the printing of the *Noda BiYhudah* in order to ensure that there were no errors in the published work.⁹⁹⁹ Obviously, this was a time-consuming activity, which bespoke Landau's excitement and passionate commitment to his first published book. Writing about the book's publication a half-century later, Yaakovka Landau noted with pride that Ezekiel Landau spent a lot of money on the publication, paying extra for good binding, printing, paper, etc., so that "from the day the Hebrew press was founded in Prague, no book ever appeared in such a splendid and beautiful format."¹⁰⁰⁰

More than anything else he had done, the book made Landau's reputation. For the first time the learned public all over the Jewish world was exposed to Landau's scholarship and vivid writing style. The list of his correspondents read like a who's-who of leading contemporary rabbinical figures in many lands. The *Noda BiYhudah* soon became regarded as a classic, the foremost responsa work of the era, and Landau would be paid the highest compliment in

⁹⁹⁸A statement on the front page of the first edition of the *Noda BiYhudah* reads ובשלהי אדר היתה "at the end of Adar was the beginning of the printing OF THE BOOK OF EZEKIEL according to minor chronology." This is a standard device of rabbinic literature to give the year of publication in the form of a Hebrew word or phrase whose letters, when converted to numbers, give the Hebrew year. In this case the numerical value of מספר יחזקאל is 5536, the year 1776. Evidently the process of publication took several months, for at least one responsum, Yoreh Deah 90, is dated 22 Sivan 5536 (June 9, 1776), which means that it was written and included in the published text more than two months after the commencement of the publishing. On the other hand, Louis Jacobs (*Hasidic Prayer*, 179) reports that a colophon to the first edition states that the book was published in 1777. I have not seen this colophon.

⁹⁹⁹*Noda BiYhudah* I Yoreh Deah 34. מכתבו הנחמד... הגיעני בשבוע זו ואימא לה איזי שכעת טרידנא טובא, הגם שתמיד טרידנא כידוע לכבודו הרמה טרדת הישיבה וטרדה דמתא וטרדת החג, אבל כעת נוסף על זה כי כבר החילותי להעלות על מזבח הדפוס חבורי אשר קראתיו "נודע ביהודה", ועלי היה כולנה להשגיח על כל מעשה הדפוס שיקבענו כיון בלי שגיאה, ואין לי פנאי כלל.

¹⁰⁰⁰מיום הוסדה מכבש הדפוס בפראג מאז ועד הנה לא יצא מהם ספר בתכלית ההידור והיופי כזה. אין זה כי אם לפי רוב הפיזור.

rabbinical culture: he would be referred to in the future not by his name but by his book.¹⁰⁰¹ He would be "the Noda BiYhudah," one of the immortals in the rabbinic pantheon.

Not that the book was accepted uncritically. On the contrary, within a short time after publication, scholars began to take issue with this or that interpretation, insight, or ruling. The second volume of the *Noda BiYhudah*, published by Landau's son Samuel twenty years after Ezekiel Landau's death, contains numerous criticisms by various scholars to which Landau defended himself in print. But scholarly criticism of that type was not uncomplimentary, and the general tone of Landau's replies indicate that he eagerly and happily engaged his critics, sometimes indignantly but often with a zest for argumentation. After all, Landau was used to this kind of debate and reveled in it.¹⁰⁰²

The Challenge of Modernity

By the late 1770s, Ezekiel Landau had reached the summit of the rabbinical profession. His name and book were known and highly respected throughout the Jewish world. Though it would not be correct to say that his word was law, it carried great weight. He had transcended the formal communal rabbinate, though he was formally the Chief Rabbi of the largest Jewish community in Europe, a leading center of Jewish culture. By the late 1770s, Landau was one of the acknowledged *gedolei ha-dor*, super-rabbis to whom rabbis, individuals, and communities turned informally but really as the greatest Jews of the generation, the spiritual leaders of the Jewish people by virtue of their being perceived as the greatest experts on the meaning of the Torah, which was still viewed by almost all Jews as the law expressing the will of God. It had

¹⁰⁰¹On this phenomenon, see *The Jewish Encyclopedia* IX (New York, 1905), 159.

taken a lifetime of achievement to reach this pinnacle, but in these last years of the pre-modern era Landau could claim the highest status in contemporary Judaism, and he must have felt assured of eternal fame within a Jewry and Jewish culture that had followed along the lines of traditionalist rabbinical culture for many centuries. In short, surveying the world in the late 1770s, Ezekiel Landau, in his mid sixties, could reasonably look forward to an intellectually active old age, teaching, preaching, and issuing rulings and guidance to admiring coreligionists. His community, by now recovered from the ravages of the 1740s and 1750s, would go on as it always had. If anything, Jewish life in Prague would adhere somewhat more closely to Jewish legal and ethical norms because of his personal authority and charisma, though there would always be deficiencies in religious-ethical practice to which he and his fellow rabbis could point disapprovingly in their sermons. The government would continue in its generally hostile but tolerable policies, and traditional Judaism in Prague would continue to flourish.

Landau was wrong. The next few years, the next decade, would bring entirely new, unfamiliar, and deadly challenges to the world of Ezekiel Landau. Much of Prague Jewry would continue to live in a pre-modern traditionalist Jewish world, but for the first time significant portions of the community would begin to change in ways that threatened the values upon which that world had stood for centuries. In the course of the 1780s Ezekiel Landau would be made fully and painfully aware that the ground was beginning to shift under his feet. Internally, the *Haskalah*, the Jewish Enlightenment associated with Moses Mendelssohn, would spread in Central Europe, challenging the very ideological foundations of Landau's universe, openly calling into question first principles Landau had assumed would always be taken for granted.

¹⁰⁰²For examples, see Kamelhar, 74-75.

Externally, the Habsburg government, under the new emperor, Joseph II,¹⁰⁰³ would change the long-accepted rules of the game in terms of the government's relationship to the Jews of Prague and the empire. Specifically, the new regime would abolish the judicial autonomy of the Jewish communities and undertake an unprecedented interference in the education and ideological molding of the younger generation of Jews, a prospect that would fill Landau with horror and cloud his old age.

Historians have debated exactly when the changes in European Jewish life associated with modernity commenced. Azriel Shohat argued that pre-modern Judaism in Europe came under serious stress early in the eighteenth century, stresses which reflected significant change in the old order that can be described as the coming of modernity.¹⁰⁰⁴ Others, notably Jacob Katz, argued that change became significant only in the last quarter of the century, with the appearance of new ideologies of Judaism that consciously criticized and called into question the religious values and outlooks that had characterized pre-modern Ashkenazic Judaism.¹⁰⁰⁵

Insofar as Prague and Bohemian Jewry are concerned, change, particularly ideological change, did not appear publicly before the 1780s, when it burst into prominent view, brought to life by Joseph II's Edict of Toleration. The ground may, indeed must, have been prepared prior to this decade, but it is a remarkable fact that almost no evidence of this appears in the writings of the time. To the contrary, a study of the sermons and writings of Ezekiel Landau and his contemporaries

¹⁰⁰³Joseph had been co-ruler with his mother from 1765. Maria Theresa exercised supreme authority and Joseph had been very much the junior partner. In 1780 he became sole ruler and was free to apply his reforms without the restraining influence hitherto exercised by his mother.

¹⁰⁰⁴Azriel Shohat, *Im Hilufei Tekufot*. It is important to note that Shohat's study is confined to the German areas of the Holy Roman Empire. Shohat does not discuss or cite eighteenth century Bohemia. Ezekiel Landau is not even mentioned in this work. For variations on Shohat's thesis, see Shmuel Feiner and David Sorkin (eds.), *New Perspectives on the Haskalah* (London, 2001).

¹⁰⁰⁵Jacob Katz, *Out of the Ghetto* (Cambridge, Mass., 1973) 34-36, 142-160. See also B. Mevorah's review of Shohat's book in *Kiryat Sefer* XXXVII (1961-1962), 150-155.

reveals a decidedly pre-modern reality in Jewish Prague prior to the 1780s. Certainly the social criticism in his sermons of the 1750s-1770s was pre-modern, directed at the kinds of small lapses in religious practice and morals which were a regular feature of medieval and pre-modern preaching. These lapses often reflected the broad public's ignorance of, and indifference to, fine points of Jewish law of whose existence legally-trained rabbinical preachers were acutely aware. The Jewish public's ritual and ethical practice, which violated these points of law, perennially annoyed the preachers but not the public, who viewed these sermonic remonstrations not so much as personal criticism as simply a normal feature of Jewish religious culture.¹⁰⁰⁶ The criticisms voiced in the sermons reflected communities whose social and intellectual reality was traditionalist Jewish. In the words of one historian who has closely studied these writings, "the evidence in these sermons shows the structure still intact, the underlying assumptions yet unchallenged."¹⁰⁰⁷ Another historian similarly observed that "in earlier admonitions, themes [of sermons] deal with the usual neglect of religious observances, sometimes pointing to serious deviations...It was only in the wake of the Edict of Toleration and the appeal of Wessely to implement in full its educational program that rebukes were directed against innovators and defectors."¹⁰⁰⁸

Beginning in the 1780s, Landau's criticisms were for the first time directed to what to him were larger and more dangerous problems, specifically matters of basic religious philosophy and education. Disturbing, latent, trends were roused to life and energy by the 1781 Edict of Toleration. On October 19, 1781, Joseph II issued his *Toleranzpatent* for Bohemia, which, he hoped, would initiate economic and cultural change in the Jewish community of Bohemia, whose

¹⁰⁰⁶Katz, *Tradition and Crisis*, 146.

¹⁰⁰⁷Saperstein, *"Your Voice Like a Ram's Horn"*, 146.

¹⁰⁰⁸Jacob Katz, *Out of the Ghetto*, 146-147.

largest community was Prague.¹⁰⁰⁹ Economically, Joseph II hoped that the Jews, freed from certain economic restrictions, would be better integrated in the Bohemian economy and would thereby be more useful to the state. Culturally, the emperor hoped that the Jews would be Germanized and modernized, that is, less insular and more open to non-Jewish culture. Indeed, it was the hope of the emperor that cultural openness would eventually lead to the conversion of the Jews to Christianity.¹⁰¹⁰

As it turned out, the *Toleranzpatent* did not bring about prosperity or significant economic change in Bohemian Jewry; the economic situation and structure of Bohemian Jewry did not significantly change between the 1770s and the 1830s.¹⁰¹¹ On the other hand, the *Toleranzpatent* did have a significant though complex cultural impact on Prague Jewry. From Ezekiel Landau's point of view, the important and disturbing cultural changes were two in number: the penetration into Prague of the Haskalah of Berlin and the founding of a government-mandated elementary school by the Jewish community of Prague for the teaching of secular subjects. It is these two phenomena which he addressed, for the first time, in two sermons delivered in January and March of 1782. Let us examine the historical context.

Haskalah and the Curriculum: Landau vs. Wessely

¹⁰⁰⁹L. Singer, "Zur Geschichte der Toleranzpatent in den Sudetenlaendern," *Jahrbuch der Gesellschaft fuer Geschichte der Juden in der Tchechoslovakischen Republik* 5 (1933), 233, 258.

¹⁰¹⁰Mahler, *A History of Modern Jewry*, 229-232.

¹⁰¹¹Hillel Kieval, "Caution's Progress: The Modernization of Jewish Life, 1780-1830," Jacob Katz (ed.), *Toward Modernity: The European Jewish Model* (New York, 1987), 80.

Immediately after the proclamation of the *Toleranzpatent*, Naphtali Wessely, a friend of Mendelssohn's, published a pamphlet, in which he welcomed the emperor's new policy and called upon the Jewish community to respond by implementing a radical restructuring of Jewish education and particularly the traditionalist curriculum. Wessely advocated a curriculum exclusively devoted to secular subjects at the elementary school level, followed by a Judaic curriculum which began with Hebrew language and Bible and subsequently included, at later stages, first Mishna and then Talmud, which the gifted among the students would commence studying by the time they were in their mid-teens. Wessely clearly indicated that he believed that the study of the Talmud should be reserved to a few older advanced students.¹⁰¹²

The displacement of Talmud study as the sole curricular subject and the argument that secular knowledge had to precede Judaic knowledge in the Jewish curriculum were the most important and controversial proposals of Wessely's program. They attacked the very foundations of the traditionalist Talmud-centered and pilpul-oriented education.

Not surprisingly, Ezekiel Landau was horrified and aroused. Nothing more clearly indicates the radically changed climate of the early 1780s than the Wessely phenomenon. Naphtali Wessely (1725-1805), a native of Hamburg, had been one of Eibeschutz's numerous students there but he did not excel in talmudic studies. Instead, he became a scholar of non-talmudic and non-halakhic Jewish studies, particularly the Hebrew language, its grammar and its poetry, publishing a number of works in these fields in the 1760s and 1770s.¹⁰¹³

To rabbinical scholars such as Ezekiel Landau, persons who were unable to excel in Talmud could not be regarded as serious scholars. Success in other areas of Jewish literature

¹⁰¹²Naphtali Wessely, *Divrei Shalom ve-Emet* (Berlin, 1782). For a concise abridgement of its contents, see Assaf, *Mekorot* I, 225-228.

could not compensate for failure in the most central and fundamental of disciplines. Thus, even an expert in Hebrew linguistics was regarded by traditional rabbinic culture as an intellectual lightweight. Non-Talmudist Jewish scholars were therefore marginal intellectual and cultural figures, whose opinions carried no special weight or authority in the traditional Jewish community. Indeed, a significant portion of the Haskalah movement may be seen as a revolt by these non-Talmudist Jewish intellectuals against the existing exclusionary order.

Prior to the 1780s Wessely did not challenge the existing hierarchy of values. Though in one of his writings he did advocate changes in Jewish education, these suggestions of his did not attract attention; his few remarks on the subject, embedded in a much larger text, went unnoticed.¹⁰¹⁴ As a member of traditionalist culture who in his writings employed a discourse of self-effacement vis-à-vis great rabbis, he solicited a *haskamah* from Ezekiel Landau when he published a grammatical-linguistic commentary on the ethical talmudic work known as *Pirkei Avot* in 1775. Wessely sincerely desired the validation of a great rabbi, and he was also well aware that Landau's prominently displayed pronouncement in favor of the book would carry weight and authority for Jewish readers.¹⁰¹⁵ Landau declined to issue a *haskamah*, but he nevertheless wrote a friendly though condescending letter, praising Wessely for his good work in these ancillary fields of Jewish cultural endeavor, while at the same time admitting that he had not bothered to read the book he was sanctioning. At Landau's insistence, the letter was clearly designated in Wessely's published book as a *mikhtav*, a letter, not as a *haskamah*, which was the designation of the approbations Wessely received from the other rabbinical authorities. In

¹⁰¹³For Wessely's biography, see *Encyclopedia Judaica* XVI 461-463. A full scholarly biography remains a desideratum.

¹⁰¹⁴See below.

addition, Landau plainly stated that he was praising Wessely's works as long as they remained loyal to traditionalist rabbinic values. Finally, Landau insisted that if his letter was to be printed in Wessely's book, it was to be printed verbatim, without any editing.¹⁰¹⁶ Wessely's published works were in fact fiercely loyal to traditionalist Judaism, even if they dealt with subjects rarely given attention by rabbinic authors.¹⁰¹⁷ Nevertheless, to scholars such as Landau, works such as Wessely's could not take the place of "real" scholarship, which consisted of Talmud, halakha, and of course, pilpul.

That a person perceived by rabbis, especially leading rabbis, as an intellectual lightweight and a dilettante could dare in the context of the edict of a gentile sovereign to criticize the centuries-old talmud-oriented system of education and to replace it by one centered on Hebrew, grammar, Bible, and the like seemed to Landau the height of presumption and folly. What was far more disturbing was the positive reception the pamphlet seemed to enjoy in Prague, for the appearance of the pamphlet coincided with or helped foster changes in Prague Jewish education that were highly unwelcome to Ezekiel Landau. These changes would be the first institutional inroads of modernity into pre-modern Jewish Prague, as shall be described below.

Ezekiel Landau received a copy of Wessely's pamphlet on the first day of the Hebrew month of Shevat (January 16, 1782). Landau was scheduled to deliver an annual address that evening to the *Hevra Kadisha*, the prestigious Prague communal burial society. After reading the pamphlet Landau decided to devote his address to an attack on Wessely. As Landau later wrote

¹⁰¹⁵For Wessely's traditionalism, respect for and defense of rabbis, see David Sorkin, *The Berlin Haskalah and German Religious Thought: Orphans of Knowledge* (London, 2000), 100-102.

¹⁰¹⁶Naphtali Wessely, *Yeyn Levanon* (Berlin, 1775), 1a-b. See also Yisrael Natan Heschel, "Da'atam shel Gedolei Yisrael be-Milkhamtam neged ha-Maskil Naphtali Hirtz Vayzel [The Opinion of Leading Rabbis in Their War Against the Maskil N. Wessely]," *Kovetz Beit Aharon ve-Yisrael* 8 (1992) 1:43, 150-152.

in a letter to friends in Vienna, he very much wanted to excommunicate Wessely, but he knew that he was not legally empowered to excommunicate anyone without the permission of the Prague police authorities. Although he did not say so, Landau realized that the authorities would not agree to the excommunication of the author of a pamphlet praising the emperor's efforts to introduce educational reforms into the Jewish community. Instead, Landau had to satisfy himself with a violent personal attack on Wessely, calling him wicked, accursed, and cut off from the Jewish people. Landau even hurled rabbinic Judaism's ultimate epithet, *yimah shemo*, "may his name be erased." Though he could not excommunicate Wessely, Landau called for Wessely to be ostracized: "No one should receive him in his home or give him lodging...Certainly no one should acquire any of his books, even the *Yeyn Levanon*." In other words, Landau was publicly revoking his letter of approval that had been published in that book six years earlier.¹⁰¹⁸

This sermon has not survived. All knowledge of it comes from a letter Landau sent shortly afterwards to friends and colleagues in Vienna. A copy of this letter was published in 1992.¹⁰¹⁹ Landau's remarks in this letter indicate that he was not only quite aware that the letter would be opened and read by government officials, he was remarkably familiar with the nuances of the emperor's personal religious beliefs and general religious policy.¹⁰²⁰

Landau had to walk a fine line in this entire affair, for Wessely's proposals were quite in accord with the emperor's policy, which Landau could not afford to criticize. Joseph II certainly desired the acculturation of his Jewish subjects as a crucial step towards their more efficient integration into the Habsburg domains. On the other hand, the emperor was opposed to deism,

¹⁰¹⁷Sorkin, *op cit.*; Jay Harris, *How Do we Know This?*, 142-144.

¹⁰¹⁸Yisrael Natan Heschel, 160-165.

¹⁰¹⁹*Ibid.*, 162-165.

agnosticism, and atheism. Joseph II was a devout Catholic of a certain type, a champion of eighteenth-century "Reform Catholicism" which sought a "purified" Roman Catholic Christianity.¹⁰²¹ The emperor regarded Moses Mendelssohn, the most prominent representative of the Haskalah, as a "naturalist," that is, an atheist. "My Jews shall never become naturalists," he declared.¹⁰²² For this reason Joseph II disapproved of Mendelssohn's edition of the Bible in spite of its usefulness as an instrument of Germanization. He refused to permit it to be printed in his domains.¹⁰²³ Interestingly, Mendelssohn returned the compliment, thoroughly distrusting the emperor's efforts, which he perceived - correctly - as conversionist.¹⁰²⁴

In his letter to Vienna, Ezekiel Landau referred to Wessely as a "naturalist, one who believes in no religion at all."¹⁰²⁵ Landau also blasted Wessely for gratuitously insinuating in his pamphlet that the Jewish subjects of Joseph II required encouragement to be loyal to the emperor:

This wicked man had the effrontery to publish under his own name a letter to the Jews of the domains of our great lord, His Majesty the Emperor, and like a burglar bluffing his way into a cellar he began by calling on us to praise the emperor for establishing *normalschulen* for the Jews of his domains. What a great *hutzpah*! As if this lout needs to encourage us

¹⁰²⁰On the extensive censorship in Josephinian Austria, see Paul Bernard, *From the Enlightenment to the Police State*, 91-112.

¹⁰²¹Sorkin, 79-94.

¹⁰²²Max Grunwald, *Vienna*, 149.

¹⁰²³*Ibid.*

¹⁰²⁴In a 1783 letter to his younger collaborator Herz Homberg, Mendelssohn expressed his suspicion of "a Jesuit subterfuge through which they encourage us, with ostensible friendship, to unite - while in truth what they desire is to entice us to convert." See Moses Mendelssohn, *Gesammelte Schriften* VIII (Berlin, 1929), 3-10; Alexander Altmann, *Moses Mendelssohn: A Biographical Study* (London, 1973), 714. Mendelssohn was by no means alone in this assessment, see Altmann, 462.

¹⁰²⁵ בלבבו אינו מאמין בשום דת ותורה כלל, והוא מן הנאטרליסטיין.

[to loyalty]! Why, every day and every hour the praise of our mighty and merciful sovereign is on our lips, as are our prayers for his success, for the spread of the renown of his wisdom, his powerful intelligence, and his great benevolence toward all men, to the ends of the earth and to the islands across the sea...So what is the benefit from this lout? Why, he is not fit to mention the emperor's name on his deceitful lips!¹⁰²⁶

These and similar remarks throughout the letter indicate that Landau realized that he was writing as much to the police who would read the letter as to his actual correspondent. Landau was making the case that the emperor's traditionalist Jewish subjects were fervently loyal to the Habsburg government and did not require maskilic reforms to improve on that loyalty. If anything, "naturalists" like Wessely represented a danger in that they promoted atheism, which the emperor would not countenance. The implication here is that it was not in the interest of the authorities to disturb the religious status quo in the Jewish community through the introduction of secular schools and the like. Landau was making a conservative political argument in favor of traditionalist Judaism.

Secular Schools: Faith vs. Reason

A few weeks after he wrote that letter, on March 23, 1782, Landau delivered another annual address, the traditional sermon to the community on the Sabbath before Passover. Unlike

¹⁰²⁶ והעניז איש רשע בפניו בחוצפה רבה להדפיס על שמו אגרת שכותב ליהודים היושבים במדינות אדוננו האדיר הקיסר יר"ה, וכדי להתיר ולבוא כגנב הבא במחתרת עשה תחלתו כאלו הוא עושה להזכיר אותנו לשבח את הקיסר יר"ה על קביעתו הנארמאל שולין ליהודים במדינתו, וגם זה הוא חוצפה רבה, כאילו ההדיוט הזה צריך לעורר אותנו בזה. והלא בכל יום ובכל שעה תהלתו של אדוננו החסיד האדיר שגור בפנינו ועל הצלחתו שיתפרסם בכל קצוי ארץ ובאיי הים הרחוקים שמע חכמתו ועוצם בינתו וגודל מדות טובו עם כל בני אדם...ואם כן מה טובו של ההדיוט הזה? והוא אינו כדאי לישא שמו של הקיסר יר"ה על שפתיו.

the January address, this sermon has survived.¹⁰²⁷ This time, Landau largely eschewed *ad hominem* attacks and concentrated on ideological matters.

To Ezekiel Landau, the Prague community faced two dangers which were converging in an alarming manner: a new, secular, school in Prague, and a philosophy of religious skepticism - as that term would be defined in a Judaic context - that animated and guided it and that would be fostered by such a school. A new school was scheduled to open in six weeks, on May 2. This school would be a historic first, though to Landau, an unwelcome first. It would be a government-mandated and government-regulated official Jewish communal school for the teaching of secular subjects to the youth of the Jewish community of Prague. Such an institution in and of itself was something Ezekiel Landau opposed, as did any traditionalist rabbinical Jew. Indeed, six years earlier, in 1776, the Jewish community of Prague had officially declined an offer of Maria Theresa to have the community set up such a school and have it formally integrated into the new Bohemian school-system she was organizing. The Jewish community of Prague had explained to the empress that their unwillingness stemmed from religious reasons; Jewish children needed all the hours of the day for religious study and prayer.¹⁰²⁸ This response reflected the religious worldview of Ezekiel Landau, which still dominated official communal thinking in the mid-1770s.

By 1782, things had changed. The Jewish community did not oppose Joseph II's educational plan. On the contrary, they welcomed it and cooperated with it. The difference between the reactions of 1776 and 1782 was due to the fact that the latter proposal was part of

¹⁰²⁷It is the thirty-eighth sermon in the *Derushei haTzlah*. The sermon is translated and annotated in Marc Saperstein, *Jewish Preaching*, 361-373. See also Michael Graetz, "The Jewish Enlightenment," Michael A. Meyer (ed.), (New York, 1996), 360-362.

the *Toleranzpatent*, which granted economic and other privileges for the first time. The perceived benevolence and liberalism of the new emperor led many Jews to welcome Joseph II's efforts to enhance the education of Jewish children by providing instruction in German.¹⁰²⁹

In addition to the changed climate of opinion in Prague, the Habsburg government under the new emperor, Joseph II, had quietly but firmly resolved to introduce secular schools into the Jewish communities of Bohemia. This task was entrusted to an enthusiastic, young, and capable official, Count Ferdinand Kindermann von Shulstein (1750-1801).¹⁰³⁰ Tactful and prudent, Kindermann entered into negotiations with the lay leadership of the Prague Jewish community in early 1782.¹⁰³¹ The communal leadership, led by its president Joachim Popper, seems to have indicated to Kindermann that if the school was to be accepted the Jews of Prague, it would have to receive the sanction of Prague's Chief Rabbi. Kindermann thereupon entered into negotiations with Ezekiel Landau concerning the school's curriculum, textbooks, hours, teaching personnel, and other important structural details. Kindermann agreed to the rabbi's requirements, as the terms of the new school indicate. The school would consist of four grades, for children of ages ten through fourteen. This assured Landau that until the age of ten education would be exclusively religious as hitherto and under exclusively traditionalist control. The hours of instruction in the new school were to be quite limited: four hours in the summer, two in the winter. The rest of the school day was reserved for other sites: traditional *hadarim*, where Torah

¹⁰²⁸Kieval, 89.

¹⁰²⁹Kestenberg-Gladstein, 41-43.

¹⁰³⁰See Eduard Winter, *Ferdinand Kindermann Ritter von Schulstein* (Augsburg, 1926).

¹⁰³¹Kieval, 90.

and Talmud were studied in the traditional manner. Accommodated in so generous a fashion, Landau could not reasonably oppose the new school, and he did not.¹⁰³²

In the words of one historian, "negotiations between government officials and the rabbinic leadership produced results that could only have relieved traditionalists within the community."¹⁰³³ Nevertheless, Ezekiel Landau could not but be alarmed at the historic innovation that was occurring. For the first time in history a Christian government was intervening in the institutional form and in the content of the education provided by the Jewish community. The radical change this represented, the first step in the modernization of Habsburg Jewry, did not augur well for Landau's traditionalist Judaism and its culture.

It was not simply the new willingness, indeed eagerness, of the Prague Jewish leadership to accept the new school that worried Ezekiel Landau as he rose to address his community in March of 1782. It was the spirit that animated such eagerness, that welcomed the introduction of non-Judaic knowledge into the Jewish community. It was the spirit of the Haskalah, the Jewish branch of the European Enlightenment, which was headquartered in 1782 in the intellectual and social circle of Moses Mendelssohn of Berlin.

Although he did come to personify the revolutionary cultural changes of the Haskalah, Mendelssohn (1729-1785) was - certainly for most of his life - a conservative-rationalist Jew who observed the religious laws of Judaism in his personal life.¹⁰³⁴ He accepted the theological

¹⁰³²Kestenberg-Gladstein, 44-45; Kieval, 90-91.

¹⁰³³Kieval, 91.

¹⁰³⁴The authoritative biography of Mendelssohn is Alexander Altmann, *Moses Mendelssohn, A Biographical Study* (Alabama, 1973), but two very important studies of Mendelssohn's philosophical and religious views are David Sorkin's *Moses Mendelssohn and the Religious Enlightenment* (Berkeley and Los Angeles, 1996) and *The Berlin Haskalah and German Religious Thought, Orphans of Knowledge* (London, 2000). Sorkin portrays Mendelssohn as a continuer of a pre-modern movement of Jewish intellectuals who advocated certain changes in

tenets of traditional Judaism, though he interpreted them in a rationalist fashion. More exactly, he advocated a particular variety of rationalism, defined by some historians as the "Andalusian" tradition in Jewish thought that developed in Medieval Spain. In the formulation of David Sorkin,

Its defining characteristic was that it kept philosophy subordinate to piety and observance by refusing to admit a contemplative educational ideal that promoted a search for ultimate truths or secret knowledge. ...The Andalusian tradition established boundaries to rationalism yet did not reject rationalism itself. Instead it aimed to create a pietist or practical rationalism devoted to ethics and observance through a broad curriculum that [included] philosophy and biblical exegesis, Hebrew language and rabbinical literature.¹⁰³⁵

Indeed, even within the "Andalusian tradition," Mendelssohn preferred, not Maimonides, who sought to reconcile Judaism with Aristotelian philosophy, but Judah Halevi and Nahmanides, who represented a refusal to do so. Thus, Mendelssohn's was a distinctly rationalist yet pietist philosophy of Judaism which adhered to the mid-eighteenth-century Wolffian rationalist approach but which also believed in and incorporated traditional Jewish theology and teaching, including the teachings of Kabbalah.¹⁰³⁶

A rationalist approach per se did not offend Ezekiel Landau. On the contrary, in a Jewish Bohemia threatened by Sabbatianism and Frankism, Landau, as we have seen, favored a

the traditional Jewish curriculum as well as an increased emphasis on rationalism, all the while remaining within the framework of pre-modern Judaism.

¹⁰³⁵Sorkin, *Moses Mendelssohn and the Religious Enlightenment*, xxii. Sorkin's notion of an Andalusian tradition is based on Bernard Septimus, "Nahmanides and the Andalusian Tradition," in Isadore Twersky (ed.), *Rabbi Moses Nahmanides (Ramban): Explorations in His Religious and Literary Virtuosity*, 34.

¹⁰³⁶Though Alexander Altmann asserted that "Mendelssohn sought to banish the mystical domain from Judaism," [see his introduction to A. Arkush's translation of Mendelssohn's *Jerusalem* (Hanover, 1983), 22], research has demonstrated that this view is untenable, see Rivka Horwitz, "Kabbalah in the Writings of Mendelssohn and the Berlin Circle of Maskilim," *Leo Baeck Yearbook* 45 (2000), 3-24.

rationalist as opposed to a mystical articulation of Judaism, at least for the broad public.¹⁰³⁷

However, the kind of rationalism with which Landau felt comfortable was a Maimonidean, medieval-scholastic rationalism, dedicated to vindicating the truths of traditional though non-kabbalistic Judaism through philosophical argument. Actually, such was a goal of Mendelssohn's philosophical enterprise. Other trends of eighteenth century philosophy, especially those of the French Enlightenment and of Prussia's Kant, were destructive of those truths. Personally, Mendelssohn was a follower of philosophical trends which dated from earlier in the century; though Christian, these could be interpreted so as to fit with and indeed support traditional Judaism.¹⁰³⁸ On the other hand, by the 1770s Mendelssohn's circle of friends, admirers, literary collaborators, and disciples included young Jews who were adherents of newer philosophical and cultural trends, which were not reconcilable with traditional Judaism. The Mendelssohn circle thus included religious skeptics, agnostics, deists and others whom traditionalists such as Chief Rabbi Ezekiel Landau considered atheists.¹⁰³⁹

It is no surprise that by 1782 a worried Landau would interpret the Prague communal leadership's welcome of a communal secular school as evidence that the radical ideas of the Mendelssohn circle were finding acceptance in powerful circles of Jewish Prague. This was particularly true since one of Mendelssohn's more radical followers, David Friedlaender, had recently founded such a secular school in the Jewish community of Berlin. The Berlin "Jewish Free School" taught the Hebrew language plus French, German, geography, and bookkeeping; thus, its curriculum included no Talmud or other traditionalist texts, and the school's spirit was definitely at variance with that of Ezekiel Landau and the other traditionalists. Indeed,

¹⁰³⁷See the third chapter of this dissertation.

¹⁰³⁸See Sorkin, *Moses Mendelssohn*, 1-20; *The Berlin Haskalah*, 13-26; 54-55.

¹⁰³⁹For Mendelssohn's circle, see Altmann, 346-368.

Friedlaender later publicly advocated the replacement of Hebrew by German even in the synagogue.¹⁰⁴⁰ To Ezekiel Landau, a man like Friedlaender was an atheist and a danger to Judaism because his schools would enable him to spread his ideas. There can be no doubt that Ezekiel Landau in Prague was acutely aware of these developments in Berlin, and the willingness of his own communal leadership to establish a seemingly similar school must have alarmed him as he rose to address his community in the Spring of 1782.

These two fears, the secular school and the atheist spirit that Landau feared had penetrated his community and which might be fostered in the school, were the subject of the Chief Rabbi's sermon. After a few contemptuous remarks concerning Wessely, whom he did not mention by name, Landau, preaching on a text in the *Hagadah*, the well-known Passover liturgy recited in every Jewish home at the ritual meal on the first night of the festival, launched into a discussion of the place of secular studies in Judaism. Landau was not free to launch a verbal broadside against all attempts to tamper with traditionalist education; the emperor's support for and initiative in founding the school rendered direct criticism impossible. Yet Landau did know how to criticize indirectly. The Chief Rabbi, using all his pilpulistic-homiletical skill, grudgingly conceded the usefulness of *nimusim*, a Hebrew term he used to denote secular cultural skills other than mathematics, including knowledge of the German language, history, etiquette and morals, etc. These, of course, were the subjects required by the emperor and his officials to be taught in the school that was about to open in Prague. However, this acknowledgement of the value of secular subjects was carefully qualified and nuanced. *Nimusim* were important, to be

¹⁰⁴⁰Mordechai Eliav, *Ha-Hinukh ha-Yehudi be-Germania bi-Tekufat ha-Haskala ve-ha-Emantzipatzia* [History of Jewish Education in Germany During the Period of the Haskalah and the Emancipation] (Jerusalem, 1960), 61-67, 79; Altmann, 352; Shmuel Feiner, "Programot Hinukhiot ve-Idealim Hebrati'im - Beit Sefer 'Hinukh Ne'arim' be-Berlin 1778-1825,"

sure, but not remotely as important as knowledge of Torah, which therefore had to enjoy unquestioned primacy in the education of Jewish children. Thus, Landau carefully drew a distinction between Wessely, whom he briefly but forcefully reprobated in the strongest terms as an "evil and impudent man who considers the Torah to be of no value," a person "lower than a dead animal" (Wessely had referred to Talmudists in such terms in his pamphlet),¹⁰⁴¹ and *nimusim*, whose value he warily conceded and whose patron, Joseph II, he unstintingly praised. Indeed, Landau several times acknowledged the monarch's unprecedented benevolence towards his Jewish subjects, comparing him to Cyrus of Persia, a figure renowned in the Bible as a benefactor of the Jewish people.

As far as the German curriculum was concerned, Landau declared that he was not opposed to the students learning a grammatically correct German. In fact, Landau ingeniously quoted Biblical and rabbinic sources which indicated the positive value of a grammatically correct knowledge of any language. "So His Majesty the emperor has done us a great favor in commanding us to learn the language grammatically and to speak it elegantly."¹⁰⁴² However, Landau stressed that such knowledge, however useful, was distinctly secondary and inferior to knowledge of the Torah, and needed to be recognized as such. Homiletically, he cited *Proverbs* 24:21-22: *Fear the Lord, my son, and the king, and do not mix with the unstable, for disaster comes from them suddenly, the doom of them both who can foreknow?* Landau argued that the lesson of this passage was that the monarch's decree was to be obeyed, but not in such a way as to undermine the fear of God, for that would lead to disaster. In practical terms, Landau

[Educational Programs and Social Ideals: the "Hinukh Ne'arim" School in Berlin, 1778-1825," *Zion* 60 (1995), 393-424.

¹⁰⁴¹ והנה קם מאנשי עמנו איש רשע העיז בפניו, שהתורה אינה חשובה מאומה, ונבלה טובה יותר מלומדי תורה, ¹⁰⁴² ונימוסים חשובים יותר מהתורה, ובודאי האיש במומו פוסל והוא גרוע מהנבלה, וסופו להיות נבלתו כדומן על פני השדה.

interpreted this to mean that children could learn elementary grammatical German, but solely for utilitarian purposes, for commerce and the like, not to learn new ideas or to access the gentile culture:

I admonish you to *Fear the Lord and the king*, to do the will of His Majesty our king while remaining very careful to fear the Lord. For [I fear that] as you become accustomed to the [German] language, you will also want to read books that are not aids in learning the language but philosophical inquiries pertaining to matters of Torah and faith, which may lead you to harbor doubts about the faith, God forbid! Whoever speaks and writes about matters of faith on the basis of reason cannot help but diminish that faith, which is the root of everything.¹⁰⁴³

The new school was scheduled to open in a few weeks. Landau issued a warning to the incoming students not to be swayed by any skeptical or heretical statements they might hear from their teachers. Disingenuously, Landau avowed full confidence that the teachers would not do this:

Now in our times there are many Jews who reject the words of the sages and set out intentionally to keep their children from the Oral Torah. I warn you, children: do not consent to hear of such a thing from anyone! I do not suspect that the *Normallehrer* would do such an evil thing and utter such falsehoods, God forbid. This would be against the desire of the government, which appointed them solely for the purpose of teaching children language, writing, mathematics, ethical behavior, and etiquette. They were not hired to speak calumnies against our religion. If in any town or city a teacher should be found transgressing in this matter and acting with duplicity, pay him no heed whatsoever. Hear me, my fine children: take what is good from them, but if you discover in them something which is not good, do not follow in their path.¹⁰⁴⁴

טובה גדולה עשה הקיסר ירום הודו שצונו ללמוד הלשון בדקדוק ולידע לדבר צחות.¹⁰⁴²

אני מזהיר שתקיימו "ירא ת השם ומלך", לעשות רצון מלכנו ירום הודו, אבל הזהרו: מאד מאד "ירא את השם".¹⁰⁴³ כי מתוך שתרגילו עצמכם בלשון, תרצו לקרות גם כן בספרים שאינם מועילים ללשון, רק חוקרי חקירות באמונה ובתורה, ועל ידי כך יעלה טינא חס ושלום בלבבכם בעסק האמונה, כי כל מי שמדבר וחושב דברים בעסק האמונה על פי השכל אינו אלא גורע. ושרש הכל היא האמונה.

עתה בזמננו שנתרבו ביהודים הכופרים בדברי חז"ל ושמים לב למנוע הבנים מתורה שבעל פה. אני מזהיר אתכם¹⁰⁴⁴ הבנים: לא תאבו לא תשמעו בדבר זה לשום אדם. ואין אני חושד את הנארמאל לעהרער שחס ושלום יעשו דבר רע כזה לדבר סרה כזה, כי זה היה נגד רצון הממשלה הרוממה שהקים אותם רק ללמד את הבנים הכתב והלשון, ודרכי

With these remarks Landau fired a shot across the bow of the new school and its directors, warning them not to try to influence their students away from traditionalist rabbinic Judaism.

Having addressed the "school threat," Landau continued with a principled attack on the rationalist theology which called faith into question. Though Landau spoke of rationalism, he meant deism, skepticism, and agnosticism, as those terms would apply within the context of Judaism. Landau was well aware that these three trends were thoroughly disapproved of by the emperor, and that he could therefore let loose against rationalism while maintaining full rhetorical allegiance to the sovereign.

In his remarks, Landau repeatedly exhorted his audience to privilege faith (*emunah*) over reason (*sekhel*). Although the Patriarch Abraham is portrayed in rabbinic literature as one who reasoned his way not merely to monotheism but to Judaism, "after Abraham it is no longer possible to do this."¹⁰⁴⁵ Landau criticized the entire philosophical enterprise: "All the words [of the philosophers] are ephemeral, for what one [philosopher] builds another tears down. If one problem is solved through philosophical inquiry, other new ones arise."¹⁰⁴⁶

Significantly, Landau attacked those Jews who mocked the belief that the Talmud contained the Oral Torah communicated by God to Moses, implying that the Talmud was a purely human, fallible, document. "Whatever we are instructed to do by the Talmud must be

החשבון, ודברי המוסר, והנהגות הטובות, אבל לא לדבר סרה על הדת שלנו. ואם המצא ימצא באיזה עיר ומדינה איזה לעהרער העובר על זה ועושה פעולתו רמיה, לא תאבו ולא תשמעו לו. ואתם בנים הגונים שמעו לי: קבלו מהם הדברים הטובים, אבל אם תראו מהם דברים לא טובים, חדלו מדרכיהם.

אבל מן אברהם ואילך אי אפשר לחקור.¹⁰⁴⁵

וכל דבריהם בזה אין להם קיום. זה בונה וזה סותר. ואם על ידי החקירה יתורץ להם דבר אחד, יתחדשו להם נגד¹⁰⁴⁶ זה כהנה וכהנה.

equivalent in our minds to what is written in the Ten Commandments. What do we care if the sectarians mock and deride us?"¹⁰⁴⁷

Landau's repeated exhortations to forego reason for belief culminated in an emotional peroration:

The most important thing is to believe in the Creator, that he created everything according to his will, watches over it providentially at all times, rewards those who do his bidding, and punishes those who transgress it; that all that happens is subject to his providence, that he gave us the Torah publicly in the presence of all Israel, and commanded Moses orally; that what he commanded Moses was handed down by Moses until it reached the sages of the Mishna and the Gemara, so that every word of the Talmud is to be considered as if it came from the Great Sanhedrin in the Chamber of Hewn Stone [in the Temple in Jerusalem], and whoever doubts a single law of the Torah as fixed by the Talmud denies the Torah of Moses...¹⁰⁴⁸

In this manner Landau conveyed his negative feelings towards the new philosophy emanating from Berlin and the new school which threatened to be an instrument in fostering the program of the Haskalah, while avoiding direct criticism of anyone other than Wessely, who had exposed himself to condemnation by his own attack on the rabbis. As Chief Rabbi, Landau would dutifully participate in the inaugural ceremonies of the new school in May of 1782, even composing a patriotic prayer for the occasion.¹⁰⁴⁹ However, those who cared to know his private opinion on the matter could not doubt that his participation reflected his sadly weakened position as rabbi of a community divided between traditionalists and innovators, rather than his genuine approval of the new thinking.

וכל מה שאנו מוזהרים מפי הגמרא צריך להיות שווה אצלנו כמו דבר הכתוב בעשרת הדברות. ואם אלו הכתות ¹⁰⁴⁷ מלעיגים עלינו לא איכפת לנו.

¹⁰⁴⁸ ועקר הכל אמונת הבורא, שהוא ברא הכל כרצונו, והוא משגיח תמיד, ומשלם שכר לנשי רצונו, ונפרע מוברי רצונו, וכל מה שנעשה הכל הוא בהשגחתו, והוא שנתן לנו התורה בפומבי לעיני כל ישראל, וצוה למשה בעל פה, וממשה נמסר הדבר עד הגיע לחכמי המשנה ו הגמרא, וכל דברי הגמרא כאלו יצאו מסנהדרין גדולה בלשכת הגזית, והמפקפק בשום דין מדיני התורה שנקבעו בגמרא, הוא כופר בתורת משה.

The crisis of religious skepticism that Landau decried in March of 1782 did not go away. He returned to these themes in a subsequent sermon, delivered during the week of the "Ten Days of Penitence" between Rosh Hashanah and Yom Kippur of the following year, (September, 1783).¹⁰⁵⁰ Here he explicitly stated that a radical change for the worse had taken hold of his community. Homiletically interpreting the seventy-seventh Psalm, Landau bemoaned the difference between the good old pre-modern sinners, who believed in the Torah and acknowledged the wrongness of their acts even as they committed them, and the new modern breed, who no longer believed:

In previous generations...even though we had sinners, nevertheless the "light of day" shone for them, that is, the Torah was precious in their eyes...The wicked of previous generations, even when they committed grave sins, sins that were "darkness," nevertheless from the midst of the darkness they would see the light of the Torah, which would lead them to repent after [they had committed the sins, but now] there is only darkness but no light.¹⁰⁵¹

These "new sinners," Landau complained, not only despised the Torah and the Talmud, they withdrew their sons from Jewish schools and educated them to unbelief.¹⁰⁵²

¹⁰⁴⁹Kestenberg-Gladstein, 46; Kieval, 90.

¹⁰⁵⁰The fourteenth sermon in *Drushei ha-Tzlah*. No date is given for this sermon, but in it Landau refers to a debilitating illness that had all but incapacitated him for a number of months. In the *Tzlah* to *Pesahim*, which, according to its title page, went to the printer in August or September of 1783, Landau states that in the last stages of his editing of the work he was incapacitated by migraine headaches (ובהיתי עוסק בדפוס בשלהי פרקים אחרונים של מסכת פסחים יסרני ה' (וראשי כבד עלי...והרופאים גזרו עלי שלא להביט בשום דבר הצריך עיון ומחשבה). Thus, the sermon may be dated to September of 1783.

¹⁰⁵¹הדורות שלפנינו, אף שהיה כובד הגלות, וגם נמצאו בעמי רשעים, עם כל זה נגה להם אור יום, שהיתה התורה חשובה בעיניהם...הרשעים בדורות הקודמים אף שעשו עבירות חמורות, והיה מעשיהם חושך, עם כל זה מתוך החושך היו מסתכלים באור התורה ומתוך כך היו מתחרטים אחר כך, אבל "אותי נהג ויולך חושך" ולא אור כלל.

It is not possible to ascertain exactly whom or what in contemporary Prague Landau was criticizing. Was there actually a wave of Haskalah-inspired religious skepticism that swept Prague in the 1780s, or were Landau's remarks overly dramatic, designed to head-off precisely such a phenomenon? A full treatment of Landau and the Haskalah requires a separate dissertation, but it is worthy of note that the Haskalah that appeared in Prague in the last two decades of the eighteenth century differed from the Haskalah of Berlin, Mendelssohn's home and base, in a number of significant ways, particularly in its attitude to traditional rabbinic Judaism and its culture and values. The movement in Prague was much more religiously conservative, much more inclined to respect and observe traditional laws, customs, and ideals, particularly Talmud study.¹⁰⁵³ In the words of one historian, "from 1790 to 1810, Prague maskilim stood out as staunch defenders of the rabbinic leadership."¹⁰⁵⁴ The most notable figure in the Prague Haskalah, Barukh Jeiteles (1762-1813), revered Ezekiel Landau, in whose yeshiva he had studied.¹⁰⁵⁵ As a teenager, Jeiteles, son of a Prague Jewish physician who was both an admirer of Mendelssohn - the two at one point agreed to marry the physician's son to Mendelssohn's daughter¹⁰⁵⁶ - and an extremely close friend and follower of Ezekiel Landau,¹⁰⁵⁷ ran away from

1052 בעונותינו הרבים רבו המתפרצים, פריצי בני עמנו אשר שגנו כחרב לשונם לבזות תורת משה ותלמודא דרבינא ורב...וגם את בניהם אינם מגדלים לתורה, ואדרבה מושכים אותם מבית הספר, וירגילום בספרים אחרים...סוף דבר באים לשלוח יד בתורה, ואינם מאמינים לא בהשם ולא במשה עבדו.

1053KestenberGladstein, 117-169; Kieval, 82-83.

1054Kieval, 85.

1055For a detailed study of Barukh Jeiteles and his leadership role in the Prague Haskalah, see KestenberGladstein, 127-146.

1056Ibid., 121.

home to Berlin. He subsequently returned and was fully reconciled with father and teacher.¹⁰⁵⁸

Barukh Jeiteles later directed his own yeshiva and published a pilpulistic supercommentary to Maimonides' halakhic code¹⁰⁵⁹ in addition to his own prolific maskilic literary activity. After Ezekiel Landau's death, Jeiteles would publish a gushing eulogy in the Berlin Haskalah's flagship journal, and when that journal, representing a more radical antirabbinic maskilic ideology, criticized the eulogy, Jeiteles launched a literary war against the journal, on whose editorial board he had formerly served.¹⁰⁶⁰

Of equal significance is the participation in the Prague Haskalah of Ezekiel Landau's own sons, Samuel and Israel, whose participation was not an act of rebellion against their father.¹⁰⁶¹ Samuel Landau (1750?-1834) was a pre-subscriber of one of the most controversial works of the Berlin Haskalah, Moses Mendelssohn's edition of the Pentateuch,¹⁰⁶² as well as a close associate

¹⁰⁵⁷On the very warm friendship between Jonah Jeiteles and Ezekiel Landau, see at length Jonah's biography written by his son Judah Jeiteles (1773-1838), entitled, *Bnei ha-Ne'urim* (Prague, 1821).

¹⁰⁵⁸*Ibid.*, 66. In later years, Barukh Jeiteles wrote, "I once sinned against [Ezekiel Landau], did not listen to his voice. One could see in his heart that he understood that I had not done anything for personal profit...When I asked his forgiveness, he replied, "Why would I not forgive you? You are, after all, my student!" Kestenberg-Gladstein, 126.

¹⁰⁵⁹Barukh Jeiteles, *Ta'am Ha-Melekh*, a commentary to *Sha'ar Ha-Melekh* (Salonika, 1771), a commentary on Maimonides' code by Rabbi Isaac Nunes Belmonte of Izmir. As a young married man studying in a Prague yeshiva while living in his father-in-law's house, Jeiteles was given a copy of the work by a friend who had visited Italy. By his own testimony Jeiteles fell in love with the rare book, which he described as containing "good pilpul." Jeiteles annotated it and wrote on its themes over a number of years, and eventually arranged for its publication in Bruenn in 1801 with his own commentary. See the Jerusalem, 1994 edition of *Sha'ar Ha-Melekh*, 26-28.

¹⁰⁶⁰Kestenberg-Gladstein, 127-146.

¹⁰⁶¹In the nineteenth century, the Moravian-born maskilic historian Isaac Hirsch Weiss (1815-1905) pointed to the maskilic activities of the Landau sons as proof that Ezekiel Landau was favorable to a conservative Haskalah. See Weiss's autobiography, *Zikhronotai* (Vienna, 1895), 74-75.

¹⁰⁶²Kestenberg-Gladstein, 87.

of Barukh Jeiteles for a number of years.¹⁰⁶³ Samuel also subscribed to the journal of the Berlin Haskalah, *Ha-Me'assef*.¹⁰⁶⁴ The same Samuel was an accomplished Talmudist and pilpulist, who served as his father's assistant in directing the latter's Prague yeshiva and later as the learned editor of Ezekiel Landau's posthumous works. Samuel eventually became a halakhic authority and published his own responsa collection.¹⁰⁶⁵ He was also a traditionalist preacher and a strong opponent of religious innovations and reforms, whose published sermons reveal a pillar of Prague Jewish religious traditionalism.¹⁰⁶⁶

Ezekiel Landau's third son Israel (1758-1829) was even more prominently associated with the Prague Haskalah, and even became its leading figure in the early nineteenth century. Born in Prague, Israel was educated in Brody, where his teachers included Israel Zamosc (1700-1772), who had been the teacher of Moses Mendelssohn. Zamosc was "the last representative of the rabbinico-philosophical synthesis that had its heyday in medieval Spain but had survived...into the seventeenth century."¹⁰⁶⁷ Israel Landau did not develop into a great Talmudist like his brothers, and his Polish-born wife eventually divorced him because she viewed Prague as too modern a city for her traditionalist tastes. But Israel remained both religiously observant and a competent talmudic scholar, who is quoted by his father in a number of his talmudic

¹⁰⁶³Samuel Landau and Barukh Jeiteles had a falling-out in the 1790s over Samuel's desire to succeed his father, which Jeiteles opposed. It seems that they eventually reconciled. See Kamelhar, 96; Kestenbergladstein, 136-144.

¹⁰⁶⁴Kestenbergladstein, 125.

¹⁰⁶⁵*She'elot u-Teshuvot Shivat Tziyon* (Prague, 1827). Samuel did not, of course, attain his father's renown or authority.

¹⁰⁶⁶See Samuel's sermons published in *Doresh le-Tziyon*, *Ahavat Tziyon*, and *Tzlah* (*Beitzah* 4a). For a list of other passages of Samuel's scattered throughout his father's works, see Kamelhar, 88.

¹⁰⁶⁷Altmann, 21. See also Sorkin, *The Berlin Haskalah and German Religious Thought*, 50-52.

writings.¹⁰⁶⁸ When he remarried, it was to the daughter of a Dutch rabbi who had studied in Prague, a lady scrupulously observant of religious law and ritual, but a Western European Jew, more exposed to European culture than her contemporary Polish counterparts.¹⁰⁶⁹ In later years, Israel composed a number of works on aggadic themes, as well as a German work listing the 613 religious commandments of the Torah.¹⁰⁷⁰

It is instructive to contrast these leading figures of the Prague Haskalah, enthusiastically composing pilpulistic and ritualistic disquisitions, with their opposite number in Berlin, David Friedlaender, who reacted to a pilpulistic discourse on a fine point of ritual law delivered by Ezekiel Landau by commenting acidly, "Three thousand years after *Kabalas ha-Torah* [i.e., the receiving of the Torah by the Israelites at Mt. Sinai] Ezekiel Yampoli is still investigating whether one needs to recite a *brachah acharonah* after eating a piece of matzoh less than a *kazayis*!"¹⁰⁷¹

In Berlin, maskilic modernity expressed itself in an ideology that disbelieved in the most fundamental teachings of traditionalist Judaism concerning the Talmud. In Prague, maskilic modernity expressed itself in the shape of the hats worn by the students and faculty of the different yeshivot: the strict traditionalists wore three-cornered hats each of whose three sides were the same length; the milder traditionalists, somewhat more open to modernity, wore three-cornered hats whose sides were not all the same length; while the adherents of Haskalah, including the yeshivot of Samuel Landau and Barukh Jeiteles, sported cylinder hats as emblems

¹⁰⁶⁸*Tzlah* to *Berakhot* 9b, *Shabbat* 36b, and *Pesahim* 120a.

¹⁰⁶⁹Kieval, 85; Kestenberg-Gladstein, 126.

¹⁰⁷⁰Kamelhar, 100.

¹⁰⁷¹*Brif fun Dovid Friedlaender* [Letters of David Friedlaender in German Yiddish], edited with an introduction by Joseph Meisl, *Historische Shriftn* II (Vilna, 1937), 390-394, 404.

of modernity as they studied Talmud and pilpul.¹⁰⁷² Clearly, the Prague Haskalah was no carbon copy of the Haskalah in Prussia!

The reason for this conservatism was the much stronger and more dynamic rabbinic culture of Prague at this time. In the words of a historian of the Prague Haskalah:

The notion of a conservative Haskalah may indeed have comprised the essence of Prague's contribution to the Jewish Enlightenment. The sources of this conservatism lay in the areas of institutional leadership...Prague's rabbinate, under the direction of Ezekiel Landau and Elazar Fleckeles, enjoyed tremendous prestige both at home and abroad. It is safe to assume that they possessed a greater ability than their counterparts in Western Europe either to thwart or to approve measures which could affect the nature of Jewish life in their community. Hence the attitude of such personalities to the spread of the Haskalah...may have been crucial to the fortunes of change in Jewish Prague.¹⁰⁷³

By contrast, the Chief Rabbi of Berlin, Tzvi Hirsch Levin, though a respected scholar and a member of a distinguished family (he was a nephew of Jacob Emden), did not exercise any dominating influence in that community, and he did not affect the direction of the Haskalah movement there.¹⁰⁷⁴ Moses Mendelssohn was clearly the dominant figure in Berlin, not the Chief Rabbi. In Prague, Chief Rabbi Landau was a more commanding presence, and he did influence the direction of the Haskalah movement in that community.

Ezekiel Landau in 1782, then, was a powerful figure in Prague, and his admonitions against rationalist religious speculation may not have reflected a long-standing trend in his community against which he was desperately battling, but rather the appearance of relatively new trends he was determined to prevent from spreading in his community.

¹⁰⁷²Leopold Loew, 244.

¹⁰⁷³Kieval, 83.

¹⁰⁷⁴Like Ezekiel Landau, Levin wished to ostracize Wessely, but he was successfully opposed by Mendelssohn and his followers in the community. For this episode and for Levin's generally

Landau and the Mendelssohn Pentateuch: Creeping Germanization

One trend that clearly was taking place was Germanization, in the sense of Jews speaking the German language. This was, after all, the emperor's declared purpose in pressing the new school upon the Jews of Prague, and even Ezekiel Landau had been compelled to religiously sanction the acquisition of German by the students, as we have seen. However, Landau sought to minimize this trend, or, more accurately, to prevent German from displacing Hebrew and Yiddish, the traditional languages of written and oral Judaic scholarship. Landau hoped that German would remain the language of interaction between Jews and non-Jews, not the language of intra-Jewish intercourse and particularly not the language of Judaic scholarship and religious practice. The emperor had not asked for the latter but Naphtali Wessely had. In his pamphlet, Wessely had advocated more than just the study of the German language as a separate discipline. Wessely wanted to replace the prevailing system of studying Judaic texts written in Hebrew and Aramaic and translating them into Yiddish. He deprecated Yiddish as an uncouth jargon, not a language, and he demanded that in all Jewish schools, including elementary schools, Judaic texts be translated into pure and correct German. Wessely specifically advocated the use in these Jewish schools of Moses Mendelssohn's new German translation of the Pentateuch.¹⁰⁷⁵ This translation was being published during the years 1780-1783, so at the time Wessely published his

friendly relations with Mendelssohn, see Altmann, 379-380, 381, 483-484. See also Saperstein, *Jewish Preaching*, 347-349.

¹⁰⁷⁵Chapter 7 of *Divrei Shalom v'Emet*; Assaf, *Mekorot* I, 227.

pamphlet, three volumes of the Pentateuch had appeared, covering Genesis, Exodus, and Leviticus. The last volume had been translated and annotated by Wessely himself.

Pressure from maskilim like Wessely to include the Mendelssohn Bible in the curriculum of Jewish schools brought into relief Ezekiel Landau's complex and very wary attitude towards the cultural changes which characterized incipient Jewish modernity. It certainly brought into relief Landau's wary attitude towards Mendelssohn himself. Unlike Wessely, Mendelssohn never publicly criticized contemporary rabbis and their system. Quite the contrary; Mendelssohn was extremely careful not to incur rabbinic opposition. He had earlier maintained a respectful halakhic correspondence with Jacob Emden, and he was on most cordial terms with Emden's nephew the Chief Rabbi of Berlin, an important rabbinical figure of that era.¹⁰⁷⁶ On the other hand, Mendelssohn had never communicated with Ezekiel Landau, and prior to 1782 Landau had not publicly expressed his opinion about Mendelssohn's controversial edition of the Pentateuch.

The Mendelssohn Pentateuch was a complex project, including a High-German translation as well as two running commentaries dealing with the accuracy as well as the content of the text. This Pentateuch had been intended as a work of Judaic scholarship.¹⁰⁷⁷ The commentary and footnotes were in Hebrew and were culled from classical medieval, primarily rationalist, Jewish Bible scholarship, with the addition of some similar commentary by Mendelssohn and his associates. As such, this Pentateuch was not particularly controversial. Its most novel feature was its translation of the Biblical text into High German in Hebrew characters. According to Mendelssohn's most authoritative biographer, neither he nor his chief

¹⁰⁷⁶For the Mendelssohn-Emden correspondence, see Mendelssohn's *Gesammelte Schriften* XIX (Stuttgart, 1974), 114, 130-131, 157-159, 161-163, 166-168, 178-183. For Mendelssohn's relationship with Levin, see Altmann, 379.

¹⁰⁷⁷See Edward Breuer, *The Limits of Enlightenment: Jews, Germans, and the Eighteenth-Century Study of Scripture* (Cambridge, Mass., 1996).

collaborator, the staunchly traditionalist rabbinical scholar Solomon Dubno, intended the translation to be an instrument for weaning the Jewish people from Hebrew and replacing that language with German.¹⁰⁷⁸ Rather, they intended to provide a Jewish, as opposed to Christian, rendering of the Pentateuch into German for the benefit of those Jews living in German states who were already speaking German, however imperfectly. Armed with the new Pentateuch, those Jews, especially the younger generation, would not have to resort to Christian translations such as Luther's if they wanted an accurate and literary rendering of the Pentateuch into German.¹⁰⁷⁹ Enthusiastic Hebraists that they were, Mendelssohn and Dubno did not intend it as an instrument of Germanization in the sense of displacing knowledge of Hebrew in those communities where such knowledge survived and flourished.¹⁰⁸⁰

As a Bible designed for acculturated Jews, Mendelssohn's Bible was not objectionable to Ezekiel Landau when it first began to be published. Indeed, Landau's own son Samuel was one of the subscribers. Samuel's name appears in the subscription list printed in the first edition.¹⁰⁸¹ In the generation after Mendelssohn, many Central European traditionalists, including the most pious rabbi in Germany, the preeminent Talmudist Akiva Eger of Posen, subscribed.¹⁰⁸² Although Mendelssohn heard rumors that Ezekiel Landau disapproved of his Pentateuch and had

¹⁰⁷⁸Altmann, 479.

¹⁰⁷⁹See Mendelssohn's *Or le-Netivah*, *Gesammelte Schriften* XIX, 242, and his letter to Avigdor Levi of Prague (*ibid.*, 252). Ezekiel Landau himself noted with disapproval that German-speaking Jews were making use of the Luther Bible, see his *haskamah* to traditionalist Sussman Glogau's 1785 German translation of the Pentateuch, reprinted in Assaf, *Mekorot* I, 241.

¹⁰⁸⁰On Mendelssohn's lifelong enthusiasm for Hebrew, which he viewed as superior to German, Hebrew being "the primordial and preeminent language, [the only one in which] the names match their objects," see Sorkin, *Moses Mendelssohn*, 17-18.

¹⁰⁸¹Kestenberg-Gladstein, 87, notes that Samuel's name did not appear in the list in a subsequent edition published in Prague in 1801, when Samuel was one of the chief rabbis in Prague.

even banned it, the rumors proved to be unfounded.¹⁰⁸³ Indeed, Mendelssohn's Prague correspondent, the *maskil* Avigdor Halevi Glogau, asked Mendelssohn in May of 1779 why he had not solicited a *haskamah* from the Prague Chief Rabbi. Mendelssohn replied, respectfully if disingenuously, that he not considered his Pentateuch, a mere translation, a work of popular scholarship, sufficiently important to require such a *haskamah*.¹⁰⁸⁴

As a result, it seems, of Glogau's urging, Mendelssohn did subsequently write to Landau to solicit a *haskamah*. The latter declined to write one. We know this piece of information from a letter written in 1786 by Landau to Rabbi Solomon Dubno, Mendelssohn's close collaborator in the Pentateuch project. Like Wessely, Dubno was a scholar of the Hebrew language, but unlike the former, Dubno was a very competent Talmudist as well as a staunch traditionalist.¹⁰⁸⁵ As one whose Hebrew knowledge complemented rather than substituted for talmudic expertise, Dubno was not regarded by Landau with condescension. Indeed, it was precisely because of Dubno's solid traditionalist credentials in terms of scholarship and outlook that Mendelssohn co-opted him in the writing and publishing of the Pentateuch. When the prospectus for the Pentateuch was published in 1778, Dubno's name appeared as author, though the actual author was Mendelssohn, and in his introduction to the Pentateuch, the latter credited Dubno with being the initiator of the entire project.¹⁰⁸⁶ Dubno played an important role in the first two volumes.¹⁰⁸⁷

¹⁰⁸²Steven Lowenstein, "The Readership of Mendelssohn's Bible Translation," *HUCA* (1982), 179, 188-189.

¹⁰⁸³Mendelssohn, *Gesammelte Schriften* XIX, 251-252.

¹⁰⁸⁴*Ibid.*

¹⁰⁸⁵Dubno was a student of Rabbi Solomon of Khelm, one of the foremost Talmudists of the eighteenth century and author of *Mirkevet ha-Mishneh*, a well-known commentary on Maimonides' halakhic code. For Dubno, see the biographical article in the *Encyclopedia Judaica* 6:251.

¹⁰⁸⁶*Gesammelte Schriften* XIX, viii; Altmann, 369; Samet, 235.

¹⁰⁸⁷Altmann, 355.

In 1781, halfway through the project, Dubno suddenly severed relations with Mendelssohn and left Berlin. In a letter written in 1789 Dubno claimed that he had been visited in Berlin by his childhood teacher who bore a message from Rabbi Ezekiel Landau of Prague and Rabbi Raphael HaKohen of Altona.¹⁰⁸⁸ These two rabbis informed Dubno that they had heard about and disapproved of the participation in the project of some of Mendelssohn's friends and disciples who were reported to be freethinkers. They urged Dubno not to have anything to do with such a group, and Dubno had listened to them, leaving both Berlin and the Mendelssohn Pentateuch project.

If this letter is accurate, it indicates already in 1781 a highly-suspicious attitude on the part of Landau toward Mendelssohn and his collaborators based on personal reports. But is the letter genuine? The letter was published in 1866 by Zvi Benjamin Auerbach (1808-1872), rabbi of Halberstadt and a prominent Orthodox Jewish historian. The authenticity of this letter was challenged by Moshe Samet, who pointed out that Dubno's childhood teacher is known to have died in 1777, prior to the 1781 conversation in Berlin.¹⁰⁸⁹ On another occasion, decades after his death, Auerbach was accused of forgery in a *cause celebre*.¹⁰⁹⁰ Samet argued that this is another example of forgery. Alexander Altmann, however, argued that the Dubno letter is genuine and that the anachronism was Dubno's, who was trying to retroactively justify his sudden break with Mendelssohn.¹⁰⁹¹ Altmann further argued that despite the anachronisms based on faulty memory, the participation of perceived freethinkers in the Pentateuch project aroused early suspicion on

¹⁰⁸⁸On Raphael HaKohen, see Jacob Katz, "Rabbi Raphael Cohen, Moses Mendelssohn's Opponent," in *idem.*, *Divine Law in Human Hands* (Jerusalem, 1998), 191-215.

¹⁰⁸⁹M. Samet, 235-236.

¹⁰⁹⁰Auerbach's integrity was also vigorously defended by a number of leading scholars, see *Encyclopedia Judaica* 3:843. However, see the remarks of Haym Soloveitchik in *AJS Review* 2 (1998), 227-228.

¹⁰⁹¹Altmann, 403-404.

the part of Ezekiel Landau, whatever the precise date such suspicion was communicated to Dubno.¹⁰⁹²

It is, of course, impossible to verify these theories. Differing recollections and evaluations of Ezekiel Landau's true attitude toward Mendelssohn, his circle, and his *Pentateuch* during this pre 1782 period are inevitably colored by the biases of later historians. Nineteenth and twentieth century Orthodox Jewish historians and writers argue that Landau opposed Mendelssohn from the beginning and eventually banned his works.¹⁰⁹³ Historians who admired both Mendelssohn and Ezekiel Landau argued that Landau was supportive of the Berlin philosopher.¹⁰⁹⁴ The earliest and most important of these was the religiously conservative Prague maskil Judah Jeiteles (1773-1838), who in 1813 wrote concerning Ezekiel Landau: "Our great master of blessed memory, recognizing as he did [Mendelssohn's] high rank, protected his honor and silenced those who spoke arrogantly against him."¹⁰⁹⁵ Jeiteles, a personal friend of Ezekiel Landau's son Samuel, also quoted Yakobka Landau along similar lines, although traditionalist scholars argue that the quotation is not genuine.¹⁰⁹⁶ In the twentieth century, Moshe Samet and Alexander Altmann argued that Ezekiel Landau did not oppose Mendelssohn and his *Pentateuch*

¹⁰⁹²*Ibid.*

¹⁰⁹³Kamelhar, 62; Yisrael Natan Heschel, 149.

¹⁰⁹⁴The image of Mendelssohn in the eyes of Orthodox Jews in Germany and Central Europe (though not in Eastern Europe) in the nineteenth century was that of an admirable and religiously observant Jew. This image changed in the early twentieth century. See Mordechai Breuer, *Modernity Within Tradition* (New York, 1992), 80, 356; Meir Hildesheimer, "Moses Mendelssohn in Nineteenth-Century Rabbinical Literature," *PAAJR* LV (1988), 79-133.

¹⁰⁹⁵Judah Jeiteles, *Mevo Lashon ha-Aramit* [Introduction to the Aramaic Language] (Prague, 1813), preface.

¹⁰⁹⁶*Ibid.* See also Altmann, 398. For traditionalist challenges, see M.E. Rapoport-Hartstein, "Ezekiel Landau," in *Otzar Yisrael* (New York, 1910), 54; Kamelhar, *Dor De'ah* I, 78.

per se. Rather he opposed its displacing Hebrew and Aramaic texts in the schools and among those capable of reading classic Jewish texts in their original languages.¹⁰⁹⁷

While this letter of 1789 may or may not serve as evidence of Ezekiel Landau's attitude towards Mendelssohn and his Pentateuch, the letter of 1786, whose authenticity is not challenged, does shed light on this question. This letter is from Landau to Solomon Dubno. After leaving Berlin, Dubno sought to publish his own edition of the Pentateuch, essentially the commentaries he had composed for the Mendelssohn project minus the German translation. This project found warm support in traditionalist circles, including that of the Gaon of Vilna.¹⁰⁹⁸ In 1786 Dubno solicited a *haskamah* from Ezekiel Landau. The Chief Rabbi of Prague wrote a *haskamah* in which he stated that Mendelssohn "at the beginning of the printing [of his Pentateuch] in Berlin had appealed for a *haskamah*. I refused because in the work printed at the time the sacred and the profane were joined together." Landau was referring to Mendelssohn's High German translation (in Hebrew characters) appearing together with the biblical text and commentaries. Landau continued: "We fear that this foreign element will prove a stumbling block to Jewish children and lead to the neglect of the study of the Torah. For this reason I declined to give a *haskamah*."¹⁰⁹⁹

This letter indicates that Landau opposed the new Pentateuch because he feared that the High German translation it contained would lead to the displacement of Hebrew in Jewish education. Hebrew was the language of the Torah and the rabbinic texts. To lose knowledge of

¹⁰⁹⁷Samet, 241-244; Altmann, 398.

¹⁰⁹⁸See the enthusiastic endorsement of Dubno's work by Zalman of Volozhin, intimate disciple and associate of the Gaon of Vilna and brother of the founder of the famous yeshiva of Volozhin, in S.J. Fuenn, *Kiryah Ne'emanah* (Vilna, 1875), 166.

¹⁰⁹⁹ואז בהתחלת הדפסתו בק"ק ברלין חלה פני ליתן לו הסכמה. לא נעניתי לו, כי חוברו לו יחדיו בהדפסה ההיא קדש וחול, כי צורף לתורה פירוש לעז אשר קראו מחברו "תרגום אשכנזי". ואנחנו חיישינן ללעז זה שיבואו ממנו

Hebrew was to lose the ability to study, certainly to analyze, such texts. To Landau, this would be the end of the study of the Torah and the death of Judaism as he and his contemporaries knew it. On the other hand, the Mendelssohn Pentateuch in and of itself was unobjectionable as far as content was concerned; Landau did not dispute the accuracy of the translation or the orthodoxy of its commentaries. This explains how Samuel Landau could publicly pre-subscribe the Pentateuch. It was all right for educated adult rabbinic scholars, but it was most objectionable if introduced into the education of the youth, which is what maskilim such as Wessely were advocating in the Spring of 1782.

These statements were made in private correspondence and conversations. Landau did not publicly state his opinion of the Mendelssohn Pentateuch until three years later. In 1785, Sussmann Glogau, a German Jew, solicited a *haskamah* from Ezekiel Landau for a new German translation of the Pentateuch he was publishing. Landau readily agreed, and used the occasion to survey the problem and mildly criticize Mendelssohn's Pentateuch.¹¹⁰⁰ Acknowledging that the old standby, the *Be'er Moshe* Yiddish translation first published in 1605,¹¹⁰¹ no longer served the needs of contemporary students who desired a German-language translation of the Pentateuch, Landau deplored the fact that many students resorted to the Luther Bible when they wanted a German translation of the Hebrew text. This, Landau asserted, "was unacceptable, for it is known that that are significant differences [in Luther's translation] in a number of places [in the Biblical text], as [Luther] altered the meaning of the text for his own reasons, for he was not of our

מכשול לילדי העברים וביטול תורה. לכן נמנעתי מלהסכים עמו. The text of the *haskamah* was published by Gabriel I. Polak, *Ben Gorni* (Amsterdam, 1851), 44. See also Mordechai Eliav, 34.

¹¹⁰⁰Landau's *haskamah* is reprinted in Assaf, *Mekorot* I, 241.

¹¹⁰¹Zinberg, VII, 136; Elbaum, *Petihut*, 68.

people."¹¹⁰² Landau went on to acknowledge Mendelssohn's Pentateuch as the first Jewish translation into correct German. Landau granted that "perhaps [Mendelssohn's] intention was wean Jews away from dependence on the Luther Bible," which is indeed what Mendelssohn had claimed in his introduction to the Pentateuch.¹¹⁰³ But now matters had gone awry. "We see that it is no improvement, for [Mendelssohn] had used such a deep and profound German, to which none are accustomed save those who are particularly expert in German grammar." The result was a perversion of the educational process:

The young student finds [the German] difficult, and the teacher has to spend much of the day teaching him German grammar. Meanwhile the schoolday passes with the student bereft of any knowledge of the fundamentals of the Torah. In addition, [Mendelssohn] did not compose a literal word-by-word translation. Rather, he translated units of meaning, as is indeed proper for one who translates from one language to another...Now, this would be somewhat excusable if [Mendelssohn] had made it clear that his translation was intended for adults who have already learned Bible and Talmud. Now, however, the translation has spread to some who seek to use it in the education of young children. The result is an educational inversion: The children in their earliest years have to spend their time reading Gentile books in order to become accustomed to pure German, so that they will be able to understand [Mendelssohn's] translation. Our Torah thereby becomes a maidservant who facilitates the spread of the German language among the members of our generation. At the same time, the young do *not* know the actual meaning of the Hebrew words [of the Bible]...¹¹⁰⁴

Landau went on to warmly endorse the new translation of Sussmann Glogau, which did not render the Hebrew text into High German, but rather into a correct but plain vernacular. Such a work

¹¹⁰² ותוך כך נתחכמו קצת בדורנו לעיין בספרי ה"ביבל". אשר לא יתכן זה, כי ידוע שיש הפרש בכמה מקומות אשר שינו בפירוש המקרא לטעמים אשר היו למחבר ההוא, כי לא היה מבני עמנו.

¹¹⁰³ *Or le-Netivah*, see *Gesammelte Schriften* XIV, 242.

¹¹⁰⁴ מתוך שכבד על הנער להבינו צריך המלמד לעסוק עמו רוב היום להעמידו על דקדוק לשון האשכנזי, ומתוך כך פנה היום ונשאר הנער ערום מעקרי התורה. וגם מחמת שלא העמיד פירוש המלות על כל מלה ומלה רק על המשך המקרא, כראוי לכל מעתיק ספר מלשון אל לשון...וזה היה קצת נכון אם היה מקדים שתרגום זה הוא לגדולים שכבר למדו וקראו ושנו, אבל עכשיו שפשט תרגום זה אצל קצת המבקשים דוקא ללמוד עם הילדים תרגום זה ומתוך כך נהפוך הוא, שהילדים תיכף בילדותם מוכרחים לבלות זמנם בספרי העמים כדי שיורגלו בלשון צח אשכנזי, כדי שילמדו

would provide the student with an adequate rendering of the text into German, but not the kind of German with which the student was unfamiliar.¹¹⁰⁵

The tone of this criticism of Mendelssohn's Pentateuch is measured and thoughtful. Mendelssohn was not attacked for his Bible's content or even form. Rather, Landau deplored its use among elementary students. In other words, Landau was opposing the proposal of Wessely and other maskilim to use the Mendelssohn Pentateuch as an elementary school textbook on the grounds of educational inutility: If the purpose of Jewish elementary education was to teach the students the Bible in its original Hebrew, the Mendelssohn Pentateuch would not do that; it would only teach them the German language. Significantly, the *haskamah* to Glogau's translation was signed not only by Ezekiel Landau, but also by the other members of the Prague *beit din*, the official court of the community. The official rabbinic leadership of Prague was publicly declaring its identification with the Chief Rabbi's opposition to the introduction of the Mendelssohn Bible as a textbook into Prague schools.¹¹⁰⁶

Landau's criticism of Mendelssohn, his rejection of the latter's Pentateuch as a school textbook in favor of an inferior German translation, infuriated many maskilim, including Mendelssohn himself. Apparently, the maskilim wished to publish a cutting reply to Landau, forcefully criticizing him. Mendelssohn, though he shared in the indignation, cautioned against such action, as he wrote in a letter to a Viennese admirer who sent him a copy of the *haskamah*:

אחר כך התרגום ההוא, ונעשה תורתנו כשפחה המשמשת את לשון אשכנז שתתפשט בדור, ופירוש המלות העבריים אינם יודעים.

והנה נתעורר פה ה"ה מו"ה זוסמאן גלוגא להדפיס תורה וחמש מגילות עם פירוש אשכנז על המלים... והוא לשון 1105 אשכנזי בלי שבוש אבל לא עמוק, וכל אדם יכול להבינו, ובזה יעלה ביד הנער תכף בילדותו לשון עברי וגם לשון אשכנז כהוגן... ולכן אנו מחזיקין טובה לה"ה מו"ה זוסמאן הנ"ל על זה ואמרין לפעלא טבא יישר... יום י"ג תמוז תקמ"ה.

1106 Three years later Naphtali Wessely complained in print that the Bible continued to be taught in Yiddish, even as secular subjects in the same schools were taught in proper German, see Assaf, *Mekorot* I, 235.

My hearty thanks for the nice approbation of the [Sussmann Glogau] Pentateuch that you were good enough to send me. I was amused by it, and I was surprised at your nervousness about it. Someone so familiar with Hebrew as [Landau] and so "deep" in the language...cannot possibly fail to care if the merest nuance of beauty is lost in translation or if our youth are prevented from studying the elements of the language. Hence his zeal comes most natural to him, and only his great virtue of "judging everyone in the scale of merit" has inspired his kindly conjecture that I myself regret my undertaking and only desire an opportunity of remedying my mistake. Such excessive goodness is eloquent testimony to the humble spirit of the rabbi who wrote this approbation. Who could, then, be indignant, or, God forbid, contemplate paying back in the same coin. In all seriousness, Rabbi Hanokh, you must not think of retaliation by doing or even wishing him harm.

My answer has so far been: had my translation been accepted by all Jews without demur, it would have been superfluous. The more it is opposed by the so-called "sages of the generation," the more necessary it is. Originally I wrote it for the [intellectually] "lower classes," but now I find that it is still more important for the rabbis. I intend...to edit also the Prophets and Hagiographa. Keep your temper under control and be but calm.¹¹⁰⁷

Clearly, Mendelssohn had been stung by Landau's published remarks.

Within six months, Mendelssohn was dead.¹¹⁰⁸ Deprived of his restraining influence, his Berlin followers determined to express their indignation at Ezekiel Landau's criticism of the Mendelssohn Pentateuch. In the maskilic quarterly *Ha-Me'assef* that appeared shortly after Mendelssohn's death, an irate letter to the editor from one reader who signed his name as "Amitai ha-Shomroni" called attention to Landau's controversial *haskamah*, especially its criticism of the recently deceased Mendelssohn, and called for a full airing of the matter in the journal.¹¹⁰⁹ In a subsequent issue which appeared in May, the *haskamah* was published and critiqued. To *Ha-Me'assef*, Sussmann Glogau's literal translation was simply not in the same class as

¹¹⁰⁷Mendelssohn, *Gesammelte Schriften* (Berlin, 1929) XVI, 295-296, translation by Altmann, 488-489.

¹¹⁰⁸He died on January 4, 1786, see Altmann, 741.

¹¹⁰⁹*Ha-Me'asef* III (Feb. 1786) 85-95. For details concerning this issue of the journal, see Moshe Pelli, *The Gate to Haskalah: An Annotated Index to Hame'asef, the First Hebrew Journal* (Jerusalem, 2000), 46-48.

Mendelssohn's elegant rendering. Instead of criticizing Landau personally, the journal asserted that Landau had not written it.

The translation of the Pentateuch into a foreign language is surely an insignificant matter to a great Torah-scholar such as [Landau]. [It is certain] that he did not take a second of his valuable time away from his studies [to compose a *haskamah* for a translation such as Glogau's]. He must have assigned an insignificant flunky to review [Glogau's] translation, draft a *haskamah*, and sign [Landau's] name...Accordingly, the great *gaon* is free [of blame]. The error is his student's. Thus it appears to us."¹¹¹⁰

In this manner, *Ha-Me'asef* made it clear that maskilim were angry over Landau's approbation with its criticism of the late lamented Mendelssohn, though they couched their own criticism of the Prague chief rabbi in diplomatically respectful terms. It is interesting to note that Landau's sons Yakobka and Samuel subscribed to *Ha-Me'asef*.

For his part, Ezekiel Landau did not respond. Nor did he respond two years later when the radical Berlin maskil David Friedlaender published an article in *Ha-Me-asef* praising Mendelssohn's translation and openly criticizing Landau as well as Landau's colleague and disciple, the Prague rabbi Elazar Fleckeles, who had also criticized the translation.¹¹¹¹ Landau's silence did not indicate acquiescence. Three years after Friedlaender's insulting piece, Landau published the second volume of his *Tzlah*, which contained his lectures and notes to tractate *Berakhot*, the first volume of the Talmud. In his introduction, Landau undertook to respond to skeptical critics of the Talmud, particularly of the *agadah*, the stories in the Talmud. These

¹¹¹⁰ להיות תרגום החומש בלשון עם זר דבר קטן וקל בעיני חכם תורני כמותו, לא בטל עליו אף רגע אחת ונתן רשות לאחד מהפחותים שבנושאי כליו לעבור על דברי המתרגם ולכתוב הסכמה על שמו.

¹¹¹¹ *Ha-Me'asef* IV (1788), 1-6 The article is dated Adar Rishon 5548 (February, 1788). Friedlaender's criticism of the rabbi's attitude towards Mendelssohn was part of a general broadside critiquing the whole of Talmudic Judaism, see Michael Graetz, "the Jewish Enlightenment," 362-363.

critics mocked the credulity of the talmudic authors of these stories.¹¹¹² Combining indignation and contempt with the puns and *double entendres* which were so much a part of his rabbinical writing style, Landau referred to the skeptical critics as "the rabble in our midst," a phrase taken from *Numbers* 11:4, thus bringing to mind the Israelite rabble who complained against Moses, God's messenger. The Hebrew term for rabble is *asafsuf*, which sounds like *Ha-Me'asef*, the maskilic journal in whose pages he had been criticized. Thus Landau, in failing health and complaining of near-blindness,¹¹¹³ indirectly but unmistakably expressed his contempt for the journal and its writers publicly and in print.

Landau's characterization of the maskilim of *Ha-Me'asef* as an *asafsuf* would be repeated by other Prague writers, including Barukh Jeiteles, the foremost personality of the Prague Haskalah. When Ezekiel Landau died in 1793, Jeiteles published an adulatory eulogy in *Ha-Me'asef*.¹¹¹⁴ The journal printed the eulogy though the editors expressed surprise and even shock that a leading maskil could write in such a fashion. The journal was particularly disconcerted by the pilpulistic and kabbalistic phraseology Jeiteles had employed in eulogizing Landau, such as the assertion that if one discusses a pilpulistic or talmudic topic in a eulogy, Satan (Jeiteles employed the kabbalistic term "die boese Seite," *sitra ahara* in Aramaic) cannot harm the deceased in the next world. In general, the hostility of *Ha-Me'asef* to the deceased Landau was clearly evident.

For his part, Barukh Jeiteles reacted strongly. He accused the *Ha-Me'asef*, under new management, of abandoning its religious moderation and turning to radicalism. The new editors,

¹¹¹²Criticism of the *agadah* as credulous or foolish dates from the Middle Ages, see Marc Saperstein, *Decoding the Rabbis* (Cambridge, Mass., 1980).

¹¹¹³In his introduction, Landau wrote, "as for me, a cloud of darkness has covered my eyesight."

¹¹¹⁴*Ha-Me'asef* VII (1795). For the entire episode, see Kestenberg-Gladstein, 133-139.

Jeiteles charged, were "youths who had hijacked the name of *Ha-Me'asef* and were using it to gain financial profit and to make a name for themselves." Echoing Ezekiel Landau's rhetoric, Jeiteles wrote that "[the journal] ought no longer to be called *Ha-Me'asef* but the *Asafsuf*, for this rabble have assembled (*asfu*) and put together a [journal] which has destroyed the beauty of sacred poetry (*noam ha-melitzah*)."¹¹¹⁵

Thus, in the wake of Mendelssohn's death, relations between the Berlin maskilim and Ezekiel Landau worsened, and before long, both sides hurled epithets at each other. The Berlin maskilim called Landau an enemy of progress, while Landau and his supporters dismissed the *Ha-Me'asef* group as "Gesindel," riffraff, *asafsuf*. Still, the fact that Landau refrained from publicly expressing his dislike until 1791 indicates his caution in the matter.

Landau vs. Mendelssohn on Jewish communal autonomy

While Ezekiel Landau's disapproval of Mendelssohn's Pentateuch was qualified and nuanced, his reaction to Mendelssohn's political views was sharp and violent, though private. Both men, as we have seen, were wary of criticizing each other in print but did not hesitate to do so in private communications. Whereas Mendelssohn's Pentateuch was ultimately a conservative work which was well within the bounds of Jewish tradition, his political views included some truly radical, indeed revolutionary, ideas which could not help but horrify Landau. These ideas were publicly expressed for the first time in that fateful year of 1782.

Until the 1780s, Mendelssohn's maskilic activity was exclusively cultural; he advocated Jews becoming more knowledgeable of non-talmudic branches of Jewish culture, though not

¹¹¹⁵*Ibid.*; Pelli, 54-55.

through neglecting Talmud or halakha. Mendelssohn's political activity consisted of *shtadlanut*, traditional Jewish intercession with various German states on behalf of fellow-Jews and Jewish communities who solicited his aid. Mendelssohn enjoyed a Europe-wide reputation as a philosopher, and he was willing to trade on his fame to help coreligionists in trouble.¹¹¹⁶ These intercessions were ad hoc, personal, and non-ideological. They involved special-pleading, appeals to benevolence and compassion on behalf of suffering fellow-Jews. They were humble - though dignified - personal supplications which did not challenge the status quo by whose terms Jews were not entitled to civil rights but resided in Christian states purely on sufferance.¹¹¹⁷

Towards the end of the 1770s, Mendelssohn's thinking underwent a change, and he resolved to make the argument that Jews were entitled to civil rights under natural law, or that they ought to be granted such rights by the states out of enlightened self-interest. In 1780 Mendelssohn persuaded Christian Wilhelm Dohm, a twenty-nine-year-old Prussian bureaucrat and writer, to help him draft a memorial to the French government on behalf of the Jews of Alsace, who were suffering from oppressive legislation. Mendelssohn himself had been approached by the Alsatian Jewish communal leader Herz Cerfberr.¹¹¹⁸ Cerfberr provided Mendelssohn with an outline of what he desired, and the latter together with Dohm reworked it into an eloquent and polished memorial. Cerfberr was a traditionalist "Court Jew" who had made a fortune as an army contractor. For his services he had been granted full citizenship by Louis XVI in 1775, an exceptional achievement. Reflecting traditionalist sensibilities - he was something of a talmudic scholar and he maintained a yeshiva at Bischeim¹¹¹⁹ - Cerfberr desired the removal of Jewish civil disabilities but the retention of Jewish communal autonomy, and his

¹¹¹⁶For Mendelssohn's *shtadlanut* or political intercessions, see Altmann, 421-449.

¹¹¹⁷For this issue, see Katz, *Out of the Ghetto*, 16-17.

¹¹¹⁸For this episode, see Altmann, 449-450; Sorkin, *Moses Mendelssohn*, 111.

outline reflected these wishes. In turn, the memorial drafted by Mendelssohn and Dohm (primarily by the latter) reflected Cerfberr's outline and argued for the right of Alsatian communal rabbis to issue religious bans of excommunication of varying degrees of severity against Jews who violated various religious or communal ordinances, in accordance with traditional Jewish law and custom. The memorial was submitted to the French government later in the year and was moderately successful

Early the following year Mendelssohn proposed that Dohm write a book expanding on the memorial and making the case for Jewish civil rights. Dohm did write and publish a tract calling for the *buergerliche Verbesserung*, the improvement of the civil status, of the Jews. Dohm made the argument that it was in every state's economic self-interest to grant its Jews civil rights and eliminate legal discrimination. Dohm also argued that such a change would have a salutary effect on the Jews themselves and would lead to the disappearance of their objectionable traits.¹¹²⁰

Dohm took Cerfberr's outline as representative of the Jews' political preferences. He assumed that what the Jews themselves desired was the abolition of civil and legal disabilities but the retention of the existing Jewish communal autonomy. Accordingly, Dohm proposed that the state eliminate all discrimination against its Jewish subjects but that it allow them to continue to govern themselves.

Such was indeed the political ideal from the traditionalist point of view. Both a Herz Cerfberr and an Ezekiel Landau would have viewed such a development as the best possible circumstance in which a European Jewish community could hope to find itself. Such a circumstance would free the members of such a community from their oppressive state-imposed

¹¹¹⁹*Jewish Encyclopedia* III (New York, 1902), 657.

legal burdens while allowing the community to follow the laws of the Torah as they understood them. Such laws called for, among other things, the maintenance of communal discipline by various sanctions and penalties, all of which was long-standing Jewish legal practice and custom.

Jewish communal autonomy in one form or another was a basic feature of pre-modern Jewish life. Wherever they moved in Europe, Jews endeavored to secure recognition by the state of a corporate legal status with as much autonomy as they could get. The amount of autonomy the European states were prepared to grant their Jewish subject varied radically from time to time and place to place. In Mendelssohn's day, Jews in many places in Central and Eastern Europe enjoyed an impressive degree of communal autonomy. Jewish communal courts were empowered by the state in many places to adjudicate cases between Jews and even between Jews and non-Jews.¹¹²¹ Communities and their courts were empowered to sanction members for non-compliance with, or violation of, Jewish laws, including communal ordinances. Such sanctions and punishments were subject to state approval, but the states usually did approve, although by mid-century the trend in many places, notably Prussia, was to gradually deprive the Jewish communities of these powers.¹¹²²

One of the most powerful sanctions available to Jewish courts and communal authorities was the power of *nidui* and *herem*, the banning of a person from the society of the community. Such bans included sanctions ranging from deprivation of certain privileges to ostracism and

¹¹²⁰Christian Wilhelm Dohm, *Ueber die buergerliche Verbesserung der Juden* (Berlin, 1781).

¹¹²¹In Prague, for example, the Jewish courts had jurisdiction over civil as well as criminal cases involving Jews, including cases where Christians were plaintiffs against Jews, see Kestenberg-Gladstein, 66-67.

¹¹²²On this trend, which was widespread in the German states, see M. Breuer, "The Early-Modern Period," Michael Meyer (ed.), *German-Jewish History in Modern Times* (New York, 1996), 251-255.

excommunication.¹¹²³ One notable case was taking place in Hamburg at the time Dohm was writing his book. In mid-1781, the Chief Rabbi of Altona-Hamburg-Wandsbek, Raphael Cohen, excommunicated a Hamburg Jew, Samuel Marcus, for heresy and blasphemy. Marcus reacted by challenging the rabbi's power to do so, taking his case to the King of Denmark, the legal sovereign of the Jews of Hamburg. The case was written up in German newspapers, and Mendelssohn seems to have been mortified by the affair and the publicity, as he indicated not long after.

Dohm's book was published in September of 1781, and its immediate impact - or the impact of the ideas it articulated - was evident in the Edicts of Toleration issued by Joseph II for the Jews of Bohemia in October and for the Jews of Austria in January, 1782. Mendelssohn, anxious to encourage further legislation along these lines, published a German translation of the seventeenth-century Dutch rabbi Manasseh ben Israel's classic of Jewish apologetics, *Vindicae Judaearum*, to which he, Mendelssohn, added an introductory essay.

In this essay, published in March, 1782 (the essay is dated Tuesday March 19, four days before Landau delivered his pre-Passover sermon), Mendelssohn took issue with Dohm's advocacy of Jewish legal autonomy. Mendelssohn went so far as to argue that disputes and lawsuits between Jews ought to be adjudicated by non-Jewish state judges, who could learn Jewish law and apply them as competently as rabbis. Mendelssohn himself had published a German-language digest of Jewish civil law for the Prussian government back in 1774-1776 at the latter's request. At that time he had argued that only rabbinic scholars were competent to adjudicate such laws.¹¹²⁴ By 1782 he had changed his mind. He even asserted that Jews would have confidence in a Christian judge's knowledge of Jewish law if the latter made it his business

¹¹²³See Jacob Katz, *Divine Law in Human Hands*, 197.

to master it.¹¹²⁵ In addition to advocating the end of communal rabbinical courts' jurisdiction over civil cases, Mendelssohn went on to argue that those courts ought not to have jurisdiction over non-civil cases either. That is, Jewish communal courts or institutions ought not to have the power to punish members of their communities for violations or infractions of religious or ritual laws. Mendelssohn argued for liberty of conscience, implying that no established religion ought to enjoy such powers. He made a veiled reference to the ongoing case in Hamburg, where the chief rabbi had excommunicated a member of the community. In his cautiously indirect manner of criticizing rabbis, Mendelssohn wrote:

I shall not inquire how far the complaints, of late publicly made, about abuses of that kind, which a certain eminent rabbi thought proper to commit, are or are not founded. The statement being *ex parte*, I am willing to believe that many a circumstance has been exaggerated; that, on the one hand, the guilt of the accused has been softened down, the same as, on the other, the harshness of the proceedings was studiously overrated. The case, it is reported, has been laid before the regular authorities, who will investigate it, and do the parties justice. However the affair ends, I wish the particulars may be published, to make either the over-hasty Rabbi or his open accusers ashamed of their conduct.¹¹²⁶

Mendelssohn concluded by appealing to his fellow-Jews and to the rabbis to voluntarily surrender their powers of autonomy, or, more exactly, their powers of coercion.

I have confidence in the more enlightened among the rabbis and elders that they will be glad to relinquish so pernicious a prerogative, that they will cheerfully do away with all church and synagogue discipline, and let their flock enjoy at their hands that kindness and forbearance which they themselves have been so long panting for.¹¹²⁷

¹¹²⁴Sorkin, *Mendelssohn*, 104-107.

¹¹²⁵See M. Samuels' English translation of Mendelssohn's *Vindicae Judaeorum* and *Jerusalem* (London, 1838), 102-103; Sorkin, *Mendelssohn*, 114-115.

¹¹²⁶*Vindicae Judaeorum*, 114.

¹¹²⁷*Ibid.*, 115.

This line of argument was revolutionary. Mendelssohn, Europe's most famous Jew, was advocating in print the abolition of Jewish autonomy, one of the most prized possessions of traditional Judaism. However diplomatic his language, Mendelssohn was mounting a direct attack on the communal rabbinate as a group by calling for them to be stripped of their powers to enforce Jewish law by coercion and sanction. Even more insulting, Mendelssohn all but declared the rabbis irrelevant by suggesting that any Christian judge could - presumably on the basis of Mendelssohn's law-digest - adjudicate the Jewish law which derived from the voluminous and complex talmudic and halakhic literature as well as any rabbi who had spent a lifetime immersed in these texts. Indeed, this suggested that the rabbis did not need to spend so much time mastering the literature, and that they were wasting their time in excessively doing so. Finally, Mendelssohn insulted the Chief Rabbi of Hamburg and then accused the other communal rabbis of exercising an oppressive domination of their communities similar to the domination the Jewish communities suffered at the hands of the non-Jewish authorities. Mendelssohn's reason for making this argument was consistency; he could not appeal for Christian tolerance of the Jews in spite of the Jews' unwillingness to subscribe to Christianity if the Jews did not display tolerance for dissent within their own communities.

To an Ezekiel Landau, no suggestion could have been more outrageous and indeed evil that Mendelssohn's. The latter was calling for the destruction of Judaism, or at least of its most important institutions. The fact that it was published in German in an appeal to a gentile public must have made it seem disgustingly treasonable as well as dangerous; Mendelssohn seemed to be appealing to the German states to deprive the Jewish communities of their privileges and to eliminate all vestiges of rabbinical leadership, which was based on power as well as respect. Landau had to have taken Mendelssohn's proposals as a personal attack; after all, he was clearly

the most prominent contemporary representative of the Central European communal rabbinate. If anyone was to be deprived of his powers and his jurisdiction, it would be Chief Rabbi Landau of Prague.

Ten months after the publication of Mendelssohn's essay, Joseph II began to strip Landau's courts of their powers. On January 16, 1783 the emperor decreed that Jewish marriages and divorces, hitherto the exclusive province of the Jewish communal courts, were to come under state control; the state issued a series of laws regulating Jewish marriages and divorces. On August 25 of that year, the emperor issued another decree stripping the Jewish communal courts of their power to adjudicate civil and criminal cases; the decree was officially published the following year. These imperial decrees were greeted with consternation by the Jewish communities of Bohemia, who petitioned the emperor to withdraw these measures which constituted a mortal blow to their proud, centuries-old autonomy.¹¹²⁸

The emperor had no intention of rescinding his decrees; quite the opposite. This new state of affairs left the Jews facing a dilemma. Whereas the state's assumption of civil and criminal jurisdiction was a pill, however bitter, the Jews could swallow, its assumption of authority over marriages and divorces created an impossible situation. Jewish law could not recognize marriages and divorces not conforming to halakhic norms; the rabbis could not conceive of such a possibility. Contradictions between Jewish law and state law in this area were not reconcilable unless the state was willing to accommodate the requirements of Jewish law.

Eventually even the emperor came to realize that the Jews were unable according to their religion to accept the existing marriage laws. Joseph II decided to turn to the Chief Rabbi of Prague, the foremost rabbinical scholar and authority in his dominions, and solicit his

¹¹²⁸Introduction to *Hukei ha-Ishut* (Jerusalem, 1998); Kestenberg-Gladstein, 67.

suggestions as to modifications of the existing laws necessary to bring them into conformity with Jewish religious requirements.

Ezekiel Landau accepted the task. He drafted and published a memorandum in the German language and submitted it to the authorities. Landau composed it in Hebrew and had it translated, as he had done with his other, patriotic, pamphlets. This memorandum consisted of comments on the fifty-seven paragraphs of the government's marriage laws. Landau explained the differences between the Jewish laws and the state laws on these subjects. Tactful as always, he also took care to emphasize those state laws which were not objectionable from a halakhic standpoint. For example, paragraphs 54-56 required that before a divorce could be issued by a court, all questions concerning division of property and custody had to be settled. In addition, the divorced woman could not remarry until the passage of a certain period of time in order to determine paternity. The first requirement was not identical with Jewish law, but it did not violate it. The second was indeed identical with Jewish law. Landau commented: "These paragraphs include laws and statutes of a wise and understanding sovereign who always looks to the benefit and welfare of his subjects."¹¹²⁹

The adroitness Landau displayed on these and similar occasions could not mask the creeping deterioration of the legal position of traditionalist Jewry. Although the government accepted Landau's legal proposals, it also issued a decree the following year denying a marriage license to any Jew who could not demonstrate that he or she had attended a *Normalschule*.¹¹³⁰ Landau could not protest this decree on legal grounds, though it can only have aggravated the pain the entire school enterprise had caused him. It was clear that the emperor was intent on

¹¹²⁹*Hukei Ishut*, paragraphs 54-56.

¹¹³⁰Kieval, "Caution's Progress," 95.

imposing control and change on the Jews of Prague and Bohemia, change which would come at the expense of traditional Judaism and its institutions.

A new era was dawning, characterized by a quid pro quo of which Landau could not approve. Although he could not publicly articulate it, his opinion seems clear: If improvement of the legal standing of the individual Jew could only be obtained at the price of the reduction and eventual destruction of the standing of the Jewish community as a corporatist entity, Landau preferred to do without emancipation. Mendelssohn's call for Jews to enthusiastically pay the price, to willingly jettison traditional Jewish legal privileges, was to Landau a call to embrace a bad bargain. He could not conceive how anyone could rationally advocate such a course of action. The only explanation he could arrive at was that Mendelssohn was an evil person, the most dangerous of the "new sinners."

Even more cutting must have been Mendelssohn's cavalier attitude towards the adjudication of Jewish law. Mendelssohn did not advocate the mere replacement of Jewish law with state law. He argued that the state could administer Jewish law. Such a notion flew in the face of every accepted notion of the nature of Jewish law, which was regarded by Jews as religious and indeed divine in proximate origin, as the very essence of the Torah. The notion that a non-Jew could administer the laws of the Torah, that a person who did not believe in the Talmud and the halakha, who regarded the Jewish religion as inferior and worse, could nevertheless adjudicate it, was preposterous and had no basis in religious tradition. To Landau and other traditionalists, Mendelssohn's position was indefensible and could only be explained as the twisted ideas of an evil man. The implication that it did not require a lifetime of study and immersion in rabbinic texts to master Jewish law flew in the face of all traditional Jewish culture and values and could not have been taken by Landau as anything other than a deep insult, if

indeed he was aware of this passage in Mendelssohn's essay. Compared to these issues, the abstract questions concerning Mendelssohn's Pentateuch translation were minor irritants.

Nor did the problem lie only with Mendelssohn's published writings. Soon enough, Mendelssohn's actions, or what were perceived as his actions, convinced Landau that the Berlin Jewish philosopher was capable of despicable deeds. An incident occurred in connection with the Wessely affair. Wessely had published his pamphlet *Divrei Shalom ve-Emet* in late January-early February, 1782.¹¹³¹ In late March, Wessely was publicly criticized not only by Landau but by a number of other communal rabbis, including Rabbi David Tebele of Lissa (Leszno) and Rabbi Joseph of Posen (Poznan), two Polish communities located near the Prussian border.¹¹³² These public condemnations from important communal pulpits did not constitute the opening round of the attack on Wessely but the culmination. By late March rabbinical criticisms of Wessely's publication, probably from Ezekiel Landau among others, had reached Berlin and moved the Chief Rabbi of Berlin and the rabbinic and lay leaders of the Jewish community of the Prussian capital to take serious steps against Wessely, who resided there. In fact, the leadership sought to have Wessely officially expelled from the city, presumably on the grounds of heresy. On Saturday, March 30, the first day of Passover, Baron von Zedlitz, the Prussian minister of Justice and Education, wrote to the President of the Berlin Jewish community asking why they were trying to expel Wessely.¹¹³³ On April 17, Mendelssohn wrote to a friend in Berlin reporting that the chief rabbi was still trying to have Wessely punished or condemned by the lay leadership, and that he, Mendelssohn, had set in motion a campaign of discrete lobbying of communal

¹¹³¹Altmann, 478, 833.

¹¹³²For the sermon of David Tevele, see Assaf, *Mekorot* I, 235-238; Paul Mendes-Flohr and Jehudah Reinharz (eds.), *The Jew in the Modern World: A Documentary History* (New York and Oxford, 1980), 67-69.

¹¹³³Samet, 249; Altmann, 483.

leaders and government officials on behalf of Wessely, although Mendelssohn declined to become personally involved. Specifically Mendelssohn advised his correspondent, David Friedlaender, to pressure the Berlin Chief Rabbi not to condemn Wessely from the pulpit and to remind the Chief Rabbi that Prussia permitted freedom of the press in religious matters.¹¹³⁴ Discrete as always, Mendelssohn was hinting that Friedlaender should threaten, though politely and indirectly, that action by the Berlin Jewish leadership against Wessely would invite hostile intervention by the state.

One week later, on April 24, Wessely published a second pamphlet, in which he reiterated his views, challenged his accusers to specify what he had written that was forbidden by Jewish law, and concluded by translating into Hebrew the last part of Mendelssohn's introduction to *Vindicae Judaeorum*. This translation was significant, for it enabled rabbis like Ezekiel Landau to read Mendelssohn's controversial proposals for themselves.

Feelings among Friedlaender and his fellow Berlin maskilim ran high. They did not merely follow Mendelssohn's suggestion to lobby and tactfully threaten Jewish leaders in Berlin, they extended their campaign outside of their own community and they resorted to blunt and undiplomatic insults and threats against communal rabbis. In May, seven Berlin supporters of Wessely wrote a joint letter to the official leadership of the two Polish Jewish communities of Lissa and Posen, whose chief rabbis had condemned Wessely. In the letter they vigorously protested the pronouncements of the two communal rabbis. The letter demanded that the community leadership reprimand the rabbis for criticizing Wessely. If the communities failed to do so, the Berlin Jews threatened to invoke the aid of the Polish authorities.¹¹³⁵

¹¹³⁴Samet, 249.

¹¹³⁵Altmann, 484.

Such an action was, from the traditionalist point of view, treasonous and worse. To call in the state to punish communal rabbis was unheard of. Even worse was the fact that the threats were made in defense of a heretic, which is what the two rabbis - and Ezekiel Landau - considered Wessely. Here indeed were "new types of sinners."

The offense was even more outrageous to Ezekiel Landau because the chief rabbi of Posen was his beloved son-in-law, a well-known scholar and pietist.¹¹³⁶ This son-in-law sent him a copy of the letter. To insult, and worse to threaten, a great rabbinic scholar, particularly a communal rabbi, was one of the gravest sins in the traditionalist hierarchy of values. To do so openly in print was unthinkable, or had been unthinkable until now. Landau fully expected the officials of the Berlin Jewish community to take action against the offenders. The Berlin officials were traditionalists in outlook, especially the chief rabbi, who was a relative of Landau's and a scion of a distinguished Polish rabbinic family. But the Berlin community did not do so. This failure to act upset Landau as much as the offense itself, for it indicated an unforgivable weakness on the part of duly constituted Jewish authorities to demand respect for the law. Landau gave vent to his feelings of pain and anger in two letters he penned, probably in June, to the leadership of the Berlin Jewish community. The first letter was public, the second private. The first was addressed to the entire leadership of the Berlin community, from the Chief Rabbi to the *פר"מ*, the *parnasim u-manhigim*, the lay leaders.¹¹³⁷ The second was a private letter to the Berlin Chief Rabbi.

In the first letter Landau respectfully expressed his distress at the failure of the Berlin leadership to punish the authors of the insulting letters, copies of which he forwarded with his own letter. "They have spoken brazenly against beloved great rabbis of this generation, [saying:]

¹¹³⁶For biographical information concerning Rabbi Joseph of Posen, see Kamelhar, 89-92.

"I shall go and inform."¹¹³⁸ What was worse was the fact that this act of delation was done openly and without shame. "Each signer was not ashamed to be publicly counted."¹¹³⁹ The effrontery was unprecedented: "Has such brazenness ever been heard before? Men such as these, most of whom possess no Torah scholarship, should say to the *gaon*, the great rabbi of the community of Lissa, that he must present his [arguments] to them!"¹¹⁴⁰ Nor was the Chief Rabbi of Lissa the only one who was being challenged, for most of the leading rabbis had condemned Wessely, whom Landau blasted as an *apikores* (heretic and atheist) and a scoffer who deserved the censure of believing Jews and Christians alike. In addition to his heretical ideas, Wessely had violated all protocol and insulted the dignity of the Berlin kehilah by not taking his case to that body. If he had a defense to offer, the place to do so was the offices of the official leadership of the Berlin Jewish community, not some unofficial private group of personal supporters, who did not have the courtesy to show their letter to the official leadership of the community.

In short, Wessely's ideas were objectionable on their own, the threatening letters sent by his supporters (Landau was convinced that Wessely had instigated the letters) were objectionable and outrageous in their unprecedented brazenness, and his ignoring of the official leadership of his own community was an insult to their high dignity.

Landau concluded by all but demanding that the Berlin leadership take action against the seven maskilim to compel them to apologize. Landau declared that he was confident that the three sovereigns, the Holy Roman Emperor, the King of Prussia, and the King of Poland would

¹¹³⁷The letter is printed in Assaf, *Mekorot* I, 239-240.

¹¹³⁸ דברו עזות נגד גדולי הדור האהובים, "אלך אמסור"

¹¹³⁹ כל אחד מהחתומים לא בוש מלמנות ברבים.

¹¹⁴⁰ הנשמע עזות כזו, אנשים כאלה, אשר רובם אינם בני תורה, יאמרו לגאון אב בית דין דק"ק ליסא שלפניהם יציע דבריו. It is noteworthy that Landau nowhere in this letter refers to his own son-in-law the Chief Rabbi of Posen. Perhaps Landau did not wish his complaint to appear to be based on his personal feelings.

give no credence to the slander against the Chief Rabbi of Lissa. But if any harm came to the Chief Rabbi of Lissa, "[the maskilim] would find that there were many rabbis who would avenge the insult to [the Lissa rabbi]."¹¹⁴¹

The letter did not have the desired result. Wessely was not sanctioned in any way. It seems that the failure to secure such sanction placed the Berlin Chief Rabbi in an impossible situation, and he resigned his office in bitterness and frustration.¹¹⁴²

Around the same time, Landau wrote a personal and private letter to the Chief Rabbi of Berlin. Landau thanked the rabbi for his efforts in his community against Wessely even though the latter was being supported by some of the powerful Jews of Berlin.¹¹⁴³ Landau referred to Wessely's recently-published second pamphlet, in which Wessely defended himself against his rabbinic detractors. Landau was particularly incensed by Wessely's assertion that the rabbis were not competent to judge him because they were prejudiced against him, as their pulpit criticisms indicated. This principled refusal to submit to rabbinic authority (for so it seemed to Landau) indicated to the Chief Rabbi of Prague that Wessely was one of the "new sinners," and Landau feared that if the great rabbis failed to register a protest against the second pamphlet, a person as unscrupulous and slippery as Wessely might argue that their silence indicated surrender, that the rabbis had come around to his way of thinking. Therefore, Landau wanted to go on record in this letter as reconfirming his opposition to everything Wessely stood for or proposed.¹¹⁴⁴

ואם ירימו יד נגד הגאון הנ"ל ימצאו הרבה רבנים וגאונים שיתבעו עלבון הגאון הנ"ל. ¹¹⁴¹

¹¹⁴²Yisrael N. Heschel, 130; the Chief Rabbi was subsequently persuaded to retract the resignation and he remained in Berlin until his death in 1800.

¹¹⁴³הנה שמעתי איך גם כבודו הרמה היה מהמקנאים קנאת ה' צבאות נגד המאורר והמקולל הירז וויזל ימה שמו. For a discussion of Chief Rabbi Levin's attitude towards Wessely, see Samet, 249-253.

¹¹⁴⁴והנה הובא לפני הקונטרס הלזה...ואין מן הראוי להשיב כנגדו, רק שלא יאמרו אודויי אודי לי רבנים...בכך ידע המאורר הזה כי כל אשר נגזר עליו מן הרבנים עוד ישנו עם תוספת מרובה.

Why did Landau reiterate his opposition to Wessely in a private letter to a colleague? Perhaps the Berlin rabbi had been told that the rabbis had become reconciled to Wessely. Perhaps this letter was meant to be shown to selected influential Berlin communal leaders who were not supporting the efforts of Chief Rabbi Levin to have Wessely censured. Once again, the fact that a letter was private did not mean that Ezekiel Landau was unaware that it would be read by other persons.

In his letter Landau next turned to the last part of the pamphlet, Wessely's Hebrew translation of parts of Mendelssohn's introduction to the *Vindicae Judaeorum*. Landau was of course incensed at Mendelssohn's published proposals for a kind of euthanasia of rabbinical and communal coercive power. Apparently, Landau had not previously heard of Mendelssohn's proposals, which had been published in German the previous month. Landau had been ambivalent towards Mendelssohn until now, due to the latter's general traditionalism and care not to offend rabbis. Mendelssohn's introduction to *Vindicae Judaeorum* contained a radical departure from this traditionalism as well as a public insult to rabbis. Although Mendelssohn does not seem to have seen it that way, Landau and the other rabbis certainly did, and Landau took it, not as a radical change of heart, but as indicating that Mendelssohn had never really been a traditionalist but a dissembler, whose outward traditionalism cynically masked a desire to destroy traditional Judaism, which to Landau was synonymous with true Judaism. Thus, Mendelssohn was contemptible:

I see that [Wessely] at the end of his pamphlet quotes the words of Rabbi Moses Dessau [i.e., Mendelssohn]. I see now that all allegations against "that man" are true. Why, he has proclaimed of himself that "he has no portion in the God of Israel" nor in His Torah...! [Mendelssohn argues] that every [Jew] should do whatever his heart desires! And not only that, but he published his words in [German]! He addresses gentile kings and informs on sages of Israel to them...He is both a heretic and an informer...If not for the fact that the

translator Wessely has, as a heretic, [halakhically] lost all credibility, [we would take action against Mendelssohn]. But if two credible witnesses would testify that [Mendelssohn] had indeed published these remarks, then he and all who follow him would [have to be excommunicated].¹¹⁴⁵

The role of this letter in subsequent historiography is revealing. In light of these frank private remarks of Landau's it is difficult to see how historians could argue that Landau entertained positive feelings towards Moses Mendelssohn. However, the letter was not published until 1924, in a second edition of Akiva Schlesinger's *Lev Ivri*, an 1864 classic of Ultra-Orthodox Hungarian Jewish polemic against Jewish participation in secular, particularly German, culture and against the Haskalah.¹¹⁴⁶ The second edition, published in Jerusalem by Schlesinger's son, included new material, including the letter from Landau. To the Ultra-Orthodox publisher, whose intended audience was Orthodox Jews who may have entertained positive feeling towards the figure of Moses Mendelssohn because they had read historical accounts in which it was asserted that the great rabbi Ezekiel Landau had respected Mendelssohn, the letter served to destroy this myth and to delegitimize Mendelssohn in the eyes of readers. The authors of those historical accounts had based their argument on the fact that Landau had never directly challenged Mendelssohn's Orthodoxy; hence the value of the letter to the Ultra-Orthodox in providing documentary proof that Landau saw Mendelssohn as a heretic, implying that the Haskalah was unacceptable to Orthodox Jews. The letter published by Schlesinger's son was based on a

ראיתי בסוף קונטרסו שהעתיק דברי רמ"ד, ועכשיו אני רואה שכל מה שדנו אותו האיש לכף חוב הכל אמת, כה ¹¹⁴⁵ הכריזו בעצמו שאין לו חלק באלקי ישראל ולא בתורתו והפקיר הדרך, שכל אחד יעשה מה שלבו חפץ, ולא עוד אלא שהדפיס דבריו בלשון לע"ז. ועל מלכי עמים ידבר והלשין לפניהם על אודות חכמי ישראל... והרי הוא מין וגם מלשין, ותרתי לריעותא. ולולי שזה המעתיק הירץ וויזל כבר נפסל לעדות ואין להאמין בו אחרי שהוא אפיקורס, אבל אם היו שני עדים כשרים מעידים שאמת הדבר שהדפיס דברים כאלה, בוודאי גם הוא וכל מי מעדת ישראל הדבוקים בו בכלל הבדלה מעדת ישראל...

¹¹⁴⁶On Schlesinger and his *Lev Ivri*, a commentary on the testament of Rabbi Moses Sofer of Pressburg, see Jacob Katz, *A House Divided: Orthodoxy and Schism in Nineteenth-Century Central European Jewry* (Hanover NH, 1998), 68, 75-76.

handwritten copy sent to him by a rabbi in Vilkomir, Lithuania, from a copy of the letter in the possession of Wolf Landau, Ezekiel Landau's great-grandson and the publisher of a number of Ezekiel's works.¹¹⁴⁷

While some scholars were aware of this letter published in *Lev Ivri*, they were skeptical as to its authenticity. Moshe Samet (who stated that most scholars were unaware of its existence) dismissed the letter, although he admitted that from the point of view of its contents it did not seem to be a forgery.¹¹⁴⁸ The arguments against the letter's authenticity were that it was a copy of a copy, and that the venue, an expanded second-edition of a tendentious Ultra-Orthodox polemical work interested in delegitimizing Mendelssohn, was suspect. Samet's dismissal of the letter was echoed by Alexander Altmann in a brief footnote.¹¹⁴⁹ However, in 1993, a facsimile reproduction of the original letter, written in Ezekiel Landau's own hand, was published by Y.N. Heschel in a hasidic journal.¹¹⁵⁰ The letter was Landau's autograph copy of the one he sent to the Chief Rabbi of Berlin. It is currently in the archive of the hasidic Karlin-Stolin dynasty. It establishes the fact that Landau saw Mendelssohn as a heretic, though not because of his Pentateuch or openness to gentile culture, but because of his proposals to degrade the coercive powers of the Jewish communities. To Landau, by publishing such proposals in German for a gentile audience, Mendelssohn committed treason, for he had invited the Christian state to intervene in the Jewish religion, of which the powers of the community and its courts were an integral part.

¹¹⁴⁷Shimon Moshe Segal Schlesinger, *Lev Ivri* (Jerusalem, 1924), 14-15.

¹¹⁴⁸Samet, 252.

¹¹⁴⁹Altmann, 835.

¹¹⁵⁰Yisrael N. Heschel, "Da'atam shel Gedolei Yisrael be-Milhamtam Neged ha-Maskil Naftali Herz Weisel" [Opinions of Leading Rabbis in Their Struggle Against the Maskil Naphtali Wessely], *Kovetz Beit Aharon ve-Yisrael* 45 (*Shevat-Adar* 5753), 119-135. The facsimile reproduction is on page 124.

In light of the fact that Landau clearly loathed Moses Mendelssohn, it is remarkable that he did not give public utterance to his feelings, either in print or orally. The restrained and nuanced criticism of Mendelssohn's Pentateuch discussed above gives no indication Landau's very strong feelings, and students and even family members could subscribe to Mendelssohn's Bible and persuade themselves that though he disapproved of the latter's more radical followers, Landau thought well of the Berlin Jewish philosopher himself. It is clear that some, perhaps many, intellectual Jews of Prague and Bohemia, including a number of Landau's students and admirers, held Mendelssohn in esteem in spite of his political proposals to eliminate the coercive powers of Jewish legal autonomy. Probably, Landau did not feel that he could force these followers of his to choose between the two men, and that his evaluation of Mendelssohn as a completely negative factor was simply not shared by all of his own students and associates, perhaps not even by his sons. A solid wall of total opposition to Mendelssohn and to Haskalah on the part of the broad public was not possible, and Landau had no choice but to recognize this reality, adjust to it, and accommodate his public rhetoric, lashing out against skeptics and unbelievers without naming names. Modernity had certainly come to Prague.

Final Years

The last decade of Ezekiel Landau's life witnessed a deterioration of his position, physically and rabbinically. To be sure Landau continued to enjoy the esteem of the overwhelming majority of his fellow Jews, although the criticisms of the maskilim in their journal *Ha-Me'asef* represented an unprecedented insult that heralded the arrival of an era in which rabbis, particularly leading rabbis, would no longer enjoy a status that exempted them from published criticism by men who

were neither Torah scholars nor community leaders. The Habsburg government would continue to degrade Jewish autonomy, most notably by the ending of the civil-law powers of the Jewish courts of Bohemia in 1784. This had to have been a particularly sharp and painful blow to Ezekiel Landau, for it struck at the very heart of his position as Chief Rabbi, an office whose chief formal function was to administer Jewish juridical autonomy legal autonomy; Landau's official Hebrew title, after all, was not *rav rashi*, Chief Rabbi, but *av bet-din*, head of the community's court system.¹¹⁵¹

Within a few years the Habsburg government would end the traditional Jewish exemption from military conscription, and Chief Rabbi Landau would find himself compelled to deliver a patriotic address to Jewish conscripts.¹¹⁵² As always on such occasions, the Chief Rabbi was correct, eloquent and diplomatic, admonishing the recruits to fight heroically and obey their superiors while reminding the Habsburg officials present that they had promised to accommodate the religious requirements of the Jewish soldiers. Yet the plight of these Jewish conscripts who were now subject to the harsh discipline of an eighteenth-century army and the realization that the Habsburg military officers could not really be relied upon to respect the halakhic needs of the Jewish recruits so upset Landau that he broke down in the middle of his address.¹¹⁵³ Indeed, no

¹¹⁵¹Writing his memoirs in 1848, J. Klein, who studied in Prague yeshivot in the late 1820s, recorded Prague oral tradition to the effect that the stripping of the civil jurisdiction afforded Ezekiel Landau more time to devote to pure study. "Kaiser Joseph made me a *lamdan*, a talmud-scholar," Ezekiel Landau is supposed to have said. Whether or not Landau uttered this witticism, it obviously cannot have been sincere; the loss of civil jurisdiction meant the loss of one of the most important elements of the Chief Rabbinate, and it was undoubtedly an occasion of great sorrow and consternation on Landau's part. See Klein, "An Herrn Moses Mendelssohn in Hamburg," 527.

¹¹⁵²Kestenberg-Gladstein, 69-78. Landau's address was published in German in Hebrew characters in *Ha-Me'asef* (1789), 252-253.

¹¹⁵³The *Ha-Me'asef* chose, for its own reasons, to treat Landau's address as sincerely patriotic. The pathos of the plight of a man like Landau, compelled by circumstance to take part in an occasion that could only have been most distasteful to him, is entirely missing from the article.

traditionalist Jew could look upon army service, which required the soldier to live a life which violated Jewish law every day, as anything but an unmitigated disaster. The Jews of Prague long after petitioned Joseph II, Leopold II, and Francis II to abolish Jewish conscription and replace it with a special tax, to no avail.¹¹⁵⁴ Conscription can only have blackened the last years of Ezekiel Landau's life.

All around him the traditional Jewish world of Prague was being buffeted as governmental legislation removed the institutional underpinnings of those Jewish communal privileges with which the Chief Rabbi had been so closely identified. What made the pill even more bitter to swallow was the fact that he could not rely upon his own Prague Jewish leaders, particularly the wealthy, for support. The leadership of the Jewish community offered no real opposition to the radical changes imposed from above. Although the Prague rabbis and other conservatives did not approve of the changes, and indeed, petitioned Joseph II's successor Leopold II (1790-1792) to restore the privileges and institutions that Joseph had abolished or weakened, particularly the former exemption from conscription, they were no longer the "Jewish Community of Prague" but merely a faction, the "conservative party," in the description of twentieth-century historian R. Kestenberg-Gladstein, opposed by powerful lay leaders, including the "boss" of the community, the wealthy manufacturer Joachim Popper. The conservatives did not persuade the emperor.¹¹⁵⁵

The strain induced by the Mendelssohn-Wessely affair and all that followed in its wake left its mark on Ezekiel Landau's health. In 1783, he began to suffer debilitating headaches. In his introduction to *Tzlah*, published in the summer of 1784, Landau complained of headaches so severe that doctors forbade him to engage in any intellectually strenuous activity, and that he was

¹¹⁵⁴Kestenberg-Gladstein, 72-78.

therefore compelled to turn his yeshiva over to his son Samuel. Deprived as he was of the activity that had made life worth living, the Chief Rabbi of Prague was convinced that God was chastising him.¹¹⁵⁶ A month later he was complaining that he was housebound, unable to study or even pray because of his debilitating migraine, although in spite of his painful incapacity and against his doctors' directions, Landau could not resist responding to the complicated legal question that had been submitted to him.¹¹⁵⁷

An aging Ezekiel Landau, in failing health, not assured of support from the leadership of his own community, would have to wage a struggle against the new trends, a struggle he could not expect to win in the long run. Landau would die in Prague in 1793, greatly respected but greatly troubled by the winds of change he was unable to stop. Within two generations, Prague's traditionalist rabbinic Jewish culture would disappear, and Ezekiel Landau would be vaguely remembered by the people of Prague as a famous rabbi who wrote books they could not read.¹¹⁵⁸

On the other hand, Landau's books would continue to be read and studied by other Jews in other places. Traditional and Orthodox Jews in the nineteenth and twentieth centuries would continue to take Landau as he would have wanted to be taken.¹¹⁵⁹ They would continue to publish and republish his books, to critique and analyze them. Halakhic scholars and decisors,

¹¹⁵⁵*Ibid.*, 333-340.

¹¹⁵⁶ובהיותי עוסק בדפוס פרקי אחרונים של מסכת פסחים יסרני ה' וראשי כבד עלי, והוכרחתי אפילו עול התלמידים להעמיס עול זה על בני הרב הגדול...שמואל, והרופאים גזרו עלי שלא להביט בשום דבר הצריך עיון ומחשבה, ולכן אי אפשר לקיים אפילו שעה אחת אשר היה ברוחי אתי.

¹¹⁵⁷ זה איזה ירחים אינני במזג השווה בבריאת הגוף, וקלני מראשי בבט"ת ולא אוכל אפילו לצאת ידי חובתי בלימוד הישיבה...ואני סובל יסורים שיש בהם ביטול תורה ותפלה ואני עצור בביתי ואפילו לבי כנישתא לא אזילנא.

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¹¹⁵⁸Hans Tramer, "Prague - city of Three Peoples," *Leo Baeck Yearbook* IX (1964), 314.

¹¹⁵⁹When Galician Jewish war refugees poured into Prague during the First World War, they turned the tomb of Ezekiel Landau into a pilgrimage site and thereby brought it to the attention of Prague Jewry, a fact ruefully noted by Prague Jewish intellectual Max Brod (*ibid.*).

yeshivot in Europe, Israel, and North America would continue to ensure that Landau's thoughts and writings remained relevant and interesting into the twenty-first century.

BIBLIOGRAPHY

- Abramsky, Chimen "The Crisis of Authority Within European Jewry in the Eighteenth Century." S. Stein and R. Loewe (eds.), *Studies in Jewish Religion and Intellectual History Presented to Alexander Altmann*. Alabama, 1979.
- Aries, P. *Centuries of Childhood: A Social History of Family Life*. New York, 1970
- Assaf, Simha *B'Ohalei Yaakov*. Jerusalem, 1943.
- *Ha-Onshin ahar Hatimiat ha-Talmud*. Jerusalem, 1922.
- *Batei Din ve-Sidreihem*. Jerusalem, 1924
- *Mekorot le-Toldot ha-Hinnukh be-Yisrael*. 4 vols. Jerusalem, 1925-1943.
- Azulai, H.Y.D. *Shem ha-Gedolim*. Warsaw, 1876.
- Balaban, Meir *Toldot ha-Tenuah ha-Frankit*. Tel-Aviv, 1935.
- Baron, Salo *The Jewish Community*. New York, 1942.
- Ben-Sasson, H.H. *Hagut ve-Hanhagah*. Jerusalem, 1966.
- Birkenthal, Ber *The Memoirs of Ber of Bolechow*. Ed. Mark Vishnitzer., Oxford, 1922.
- Carlebach, Elisheva, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Heresies*. New York, 1990.

Cohen, Mortimer *Jacob Emden: A Man of Controversy*. Philadelphia, 1937.

London, 1922

Collegium Carolinum *Die Juden in den boehmischen Laendern: Vortraege der*

Tagung des Collegium Carolinum in Bad Wiesee vom 27.

bis 29. November 1981. Munich, 1983.

Dimitrovsky, H.Z. "Al Derekh haPilpul," *Salo Baron Jubilee Volume* (Hebrew section). Jerusalem, 1975.

Dubnow, Simon, *History of the Jews in Russia and Poland*. Philadelphia, 1916.

----- *Toledot ha-Hasidut*. Tel-Aviv, 1943.

Eibeschutz, Jonathan, *Luhot Edut*. Altona, 1755.

Elon, Menahem *Jewish Law: History, Sources, Principles*. Philadelphia, 1994.

Emden, Jacob *Torat ha-Kana'ut*. Amsterdam, 1752.

----- *Sefat Emet ve-Lashon Zehurit*. Amsterdam? 1752

----- *Aqizat Aqrav*. Zolkiev (Amsterdam?), 1753.

----- *Ispaqalaria ha-Me'irah*. Altona, 1753.

----- *Shevirat Luhot ha-Aven*. Altona, 1756

----- *Herev Pipiot*. Altona, 1756

----- *Edut be-Yaaqov*, Altona, 1756.

----- *Petah Eynayim*. Altona, 1756

----- *Hitavqut*. Altona, 1762.

----- *Beit Yehonatan ha-Sofer*. Altona, 1763.

----- *Mitpahat Sefarim*. Altona, 1768

----- *Megilat Sefer*. Warsaw, 1897.

Finkelstein, Louis *Jewish Self-Government in the Middle Ages*. New York,
1925.

Fishman, Isidore *The History of Jewish Education in Central Europe from the End of the
Seventeenth Century to the End of the Eighteenth Century*. London, 1944.

Flatto, Sharon "Prague's Rabbinic Culture: The Concealed and the
Revealed in Ezekiel Landau's Writings," PhD. diss., Yale
University, 2000.

Fleckeles, Elazar *Ahavat David*. Prague, 1800.

----- *Hazon la-Moed*. Prague, 1824.

----- *Ma'aseh be-Rabbi Eliezer*. Prague, 1818.

----- *Melekheth ha-Kodesh*. Prague, 1812.

----- *Mevaser Tov*. Prague, 1821.

----- *Nefesh David ve-Nefesh Haya*. Prague, 1812.

----- *Olat Hodesh*. Prague, 1785.

----- *Olat Hodesh ha-Sheni*. Prague, 1787.

----- *Olat Hodesh ha-Shelishi*. Prague, 1793.

----- *Tefilah be-Shelomah shel Malkhut*. Prague, 1795.

----- *Teshuvah me-Ahavah*. 3 vols. Prague, 1809, 1815, 1821.

Friedberg, Hayyim *Benei Landau Le-Mishpechotam*. Frankfurt, 1905.

----- *Luhot Zikaron*. Frankfurt, 1904.

Gelber, Nathan "Aryeh Leib Bernstein, Chief Rabbi of Galicia," *JQR* (NS)

- XIV (January, 1924), 308-10.
- *Toledot Yehudei Brody*. Jerusalem, 1955.
- Gelman, Aryeh *Ha-Noda Biyejudah u-Mishnato*. second rev. ed., Jerusalem, 1962.
- *Ayarah be-Lehavot*. Jerusalem, 1962.
- Ginzburg, Shimon *Rabbi Moshe Hayyim Luzzato u-vene Doro*. Tel-Aviv, 1937.
- Graetz, Heinrich *Geschichte der Juden von den aeltesten Zeiten bis zur Gegenwart*. X, Leipzig, 1868; XI, Berlin, 1875.
- "Ezechiel Landau's Gesuch an Maria Theresia gegen Jonathan Eibeschutz," *MGWJ* 26 (1877) 17-25.
- Guedemann, Moritz *Geschichte des Erziehungswesens und der Cultur der abenlaendischen Juden des Mittelalters*. 3 vols., Vienna, 1880-88. Translated into Hebrew as *Ha-Torah ve-ha-Hayyim*. Warsaw, 1897.
- Halpern, Israel *Piqas Va'ad Arba Aratzot*. Jerusalem, 1945
- *Taqanot Medinat Mehrin*. Jerusalem, 1952.
- *Yehudim ve-Yahadut be-Mizrach Eiroa*. Jerusalem, 1968
- Hanover, Nathan *Yeven Metzulah*. Cracow, 1896.
- Harris, Jay *How Do We Know This? Midrash and the Fragmentation of Modern Judaism*. New York, 1995.
- Heschel, A.J. *The Circle of the Baal Shem Tov: Studies in Hasidism*. Ed. Samuel Dressner, Chicago, 1985.
- Hundert, Gershon *The Jews in a Private Polish Town: The Case of Opatow in*

- the Eighteenth Century*. Baltimore, 1992.
- "The Conditions in Jewish Society in the Polish-Lithuanian Commonwealth in the Middle Decades of the Eighteenth Century," in *Hasidism Reappraised* (London, 1996) p.48.
- Idel, Moshe "Perceptions of Kabbalah in the Second Half of the Eighteenth Century." *The Journal of Jewish Thought and Philosophy* 1 (1991), 55-114.
- Jacobs, Louis *A Tree of Life: Diversity, Flexibility, and Creativity in Jewish Law*. Oxford, 1984.
- *Hasidic Prayer*. New York, 1972.
- *Jewish Law*. New York, 1968.
- *Theology in the Responsa*. London, 1975.
- Kamelhar, Yequiel *Dor De'ah*. Piotrkow, 1935.
- *Mofet ha-Dor*. second rev. ed., Piotrkow, 1934.
- Kanarfogel, Ephraim *Jewish Education and Society in the High Middle Ages*. Detroit 1992
- Katz, Jacob *Tradition and Crisis*, tr. B.D. Cooperman, New York, 1993
- *Halakhah ve-Kabbalah*. Jerusalem, 1986.
- *Exclusiveness and Tolerance*. West Orange, New Jersey, 1981.
- *Out of the Ghetto*. Cambridge, Mass., 1973
- *Ha-Halakhah be-Meitzar*. Jerusalem, 1992
- *Divine Law in Human Hands*. Jerusalem, 1998.
- *Toward Modernity: The European Jewish Model*. New York, 1987

- *The "Shabbes Goy"*. Philadelphia, 1989.
- "Jewish Civilization s Reflected in the Yeshivot - Jewish Centers of Higher Learning" in *Journal of World History* (1967), 674-704.
- "The Turning Point of Modern Jewish History: The Eighteenth Century", in *Vision Confronts Reality; Historical Perspectives on the Contemporary Jewish Agenda*. Ed. by Ruth Kozodoy [et al.], (New York, 1989), 40-55
- Kestenberg-Gladstein, Ruth *Neuere Geschichte der Juden in den bohmischen Laendern*. Tübingen, 1969.
- Klemperer, Gutmann *Hayyei Yehonatan*. Prague, 1858.
-
- Kieval, Hillel, "Caution's Progress: The Modernization of Jewish Life in Prague, 1780-1830," in *Toward Modernity: The European Jewish Model*, ed. Jacob Katz, (New York, 1987), 90-92
- *Languages of Community: The Jewish Experience in the Czech Lands*. Berkeley, 2000.
- Landau, Ezekiel. *Ahavat Tziyon*, Prague, 1827.
- *Dagul me-Revavah* Prague, 1794.
- *Derushei ha-Tzlah*, Warsaw, 1884.
- *Derush Hespel*, Prague, 1780.
- *Derush Shevah ve-Hoda'ah*, Prague, 1789.

- *Doresh le-Tziyon*. Prague, 1827.
- *Gebeth um die Wiedergenesung Ihro kaiser. koenigl*. Prague, 1767.
- *Herzengefuehul Gebet*. Prague, 1791.
- *Hokei Ishut* [German]. Prague, 1785.
- *Mareh Yehezqel*. Prague, 1830.
- *Noda Biyehudah*. 2 vols. Prague, 1776, 1811.
- *Prayer for Maria Theresa's good fortune in War* [Hebrew].
Prague, 1756.
- *Prayer for the Opening of the Normalschule in the Jewish
Quarter* [Hebrew]. Prague, 1782.
- *Prayer for the Coronation of Leopold II* [Hebrew]. Prague,
1791
- *Sermon to the First Jewish Recruits to the Austrian
Military* [Hebrew - part I; German - part II], *Ha-Meassef* 5
(1789): 252-255.
- *Ziyyun leNefesh Hayyah (Zlah), Pesahim*, Prague, 1783.
- *Ziyyun leNefesh Hayyah (Zlah), Berakhot*, Prague, 1791.
- *Ziyyun leNefesh Hayyah (Zlah), Bezaḥ*, Prague, 1799.
- *Ziyyun leNefesh Hayyah (Zlah), Shabbat, Eruvin, Yoma,
Sukkah, Rosh Hashanah, Ta'anit, Megillah, Hagigah*, Warsaw,
1879.
- *Ziyyun leNefesh Hayyah (Zlah), Zevahim, Menahot, Hullin*.
Warsaw, 1891.

- *Ziyyun leNefesh Hayyah (Zlah), Nezikin*, Jerusalem, 1959.
- Landau, Israel, *Hok le-Yisrael*, Prague, 1798.
- Landau, Jacob, *Divrei Yedidot*, Prague, 1811.
- Landau, Samuel, *Dersush Hespel le-Rabbi Koppelman Porges* Prague, 1823.
- *Shivat Ziyon*, Prague, 1827.
- *Seliha be-et ha-Negef Holera*, Prague, 1832.
- *Trauer rede auf den betriebe Todesfall Leopold II*, Prague, 1792.
- Leiman, Sid Z. "When a Rabbi is Accused of Heresy: Ezekiel Landau's Attitude Toward R Jonathan Eibenschutz in the Emden-Eibenschutz Controversy." *From Ancient Israel to Modern Judaism: Intellect in Quest of Understanding. Essays in Honor of Marvin Fox*. Atlanta, 1989.
- Lewin, Isaac *The Jewish Community in Poland*. New York, 1985.
- Jerzy Lukowski, *Liberty's Folly: The Polish-Lithuanian Commonwealth in the Eighteenth Century*. London and New York, 1991.
- McCagg, William *A History of Hapsburg Jews, 1670-1918*. Bloomington, 1989.
- Mondschein, Yehoshua, *HaTzofeh le-Doro*, Jerusalem, 1987.
- Muneles, Otto *Bibliographical Survey of Jewish Prague*. Prague, 1952.
- Perlmutter, M. *Rabbi Yehonatan Eibenschutz ve-Yachaso el ha-Shabta'ut*. Jerusalem, 1947.
- Piekarczyk, Mendel *Bi-Yemei Zemihat ha-Hasidut*, Jerusalem, 1998.
- Reiner, Elhanan "The Yeshivas of Poland and Ashkenaz During the Sixteenth and Seventeenth Centuries - Historical Developments"

- (Hebrew). *Studies in Jewish Culture in Honor of Chone Shmeruk*. Jerusalem, 1993, 45-47 (Hebrew section).
- Rosman, Murray *The Lord's Jews: Magnate-Jewish Relations in the Polish-Lithuanian Commonwealth during the 18th Century*. Cambridge, Mass. 1990.
- *Founder of Hasidism: A Quest for the Historical Baal Shem Tov*. Berkeley, 1996.
- Roth, Cecil *The Ritual Murder and the Jew*. London, 1935.
- Saperstein, Marc *Jewish Preaching 1200-1800: An Anthology*. New Haven, 1989.
- *"Your Voice Like a Ram's Horn: Themes and Texts in Traditional Jewish Preaching*. Cincinnati, 1996.
- Schacter, Jacob "Rabbi Jacob Emden: Life and Major Works," PhD. diss., Harvard University, 1988.
- Shohat, Azriel *Im Hilufei Tequfot: Reshit ha-Haskalah be-Yahadut Germanyah*. Jerusalem, 1960.
- Solomon, Norman *The Analytic Movement: Hayim Soloveitchik and his Circle*. Atlanta, 1993
- Sorkin, David *Moses Mendelssohn and the Religious Enlightenment*. Berkeley, 1996.
- *The Berlin Haskalah and German Religious Thought*. London, 2000.
- Ta-Shema, Yisrael *Halakha, Minhag, u-Metziut be-Ashkenaz: 1100-1350*. Jerusalem, 1996
- Uhrbach, Ephraim *Baalei Tosaphot*. fifth expanded edition, Jerusalem, 1986.
- Vanunu, Shimon *Mi-Beit Midrasho shel ha-Noda BiYhudah*. Jerusalem, 2003.

- Weinryb, Bernard *The Jews of Poland*. Philadelphia, 1972.
- Weissler, Chava *Voices of the Matriarchs: Listening to the prayers of Early Modern Jewish Women*. Boston, 1998.
- Wilenski, M. *Hasidim and Mitnaggedim: A Study of the Controversy Between Them in the Years 1772-1815*. Jerusalem, 1970.
- Wunder, Meir *Entziklopedia le-Hakhmei Galitzia III*. Jerusalem, 1986.
- Yaari, A. *Igrot Eretz Yisrael*. Tel-Aviv, 1943.
- *Shluhei Eretz Yisrael*. Jerusalem, 1951.
- Zimmels, H.J. *Ashkenazim and Sephardim*. London 1958.

