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IN NINETEENTH CENTURY  
THE LIFE OF THE JEWS OF PALESTINE AS DESCRIBED IN HALAKHIC  
AND RABBINIC LITERATURE ~~OF THE NINETEENTH CENTURY~~

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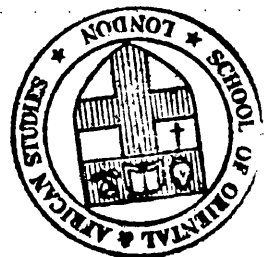
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To  
My Parents

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## TABLE OF CONTENTS

list of plates	
acknowledgements	
Abstract	i
Manuscript Sources	v
Glossary	vi
List of Abbreviations	xvii
SECTION I: THE SPIRITUAL STRUGGLE	
Chapter I: The Two Messianic Philosophies	1
Chapter II: The Missionaries	69
Chapter III: The Education Controversy	129
SECTION II: THE MATERIAL STRUGGLE	
Chapter IV: <i>Halukkah</i> , Poverty and Discord	198
Chapter V: Demography and Land Acquisition	230
Chapter VI: Trade and Commerce	246
SECTION III: THE SOCIAL STRUGGLE	
Chapter VII: Intra-Communal Tensions	286
Chapter VIII: Jews and Gentiles	305
Chapter IX: Social and Living Conditions	333
Chapter X: Sephardim and Ashkenazim	367
Conclusions	445
Bibliography	447
APPENDICES	



LIST OF PLATES

Plate I	.....	84a
Plate II	.....	91a
Plate III	.....	121a
Plate IV	.....	156a
Plate V	.....	158a
Plate VI	.....	165a
Plate VII	.....	183a
Plate VIII	.....	184a
Plate IX	.....	185a
Plate X	.....	185b
Plate XI	.....	198a
Table I	.....	216a
Plate XII	.....	235a
Plate XIII	.....	248a
Plate XIV	.....	260a
Plate XV	.....	261a
Plate XVI	.....	287a
Plate XVII	.....	289a
Plate XVIII	.....	289b
Table II	.....	378a

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Chaim V. Katz

This work is a study of Jewish life in Palestine in the nineteenth century, based on contemporary halakhic and rabbinic documents.

The period under consideration begins with the arrival of the followers of the Gaon of Vilna - the *Perushim* - beginning circa 1806, and ends in the late 1890's with the ascendancy of the new *Yishuv*.

For the Jewish community, the entire period was marked by struggle. This work focuses on three aspects of this struggle: spiritual, material, and social.

Section I describes the Jewish community's confrontations with ideological forces. Chapter one describes the most influential and far-reaching of these forces: the rise of the philosophy of messianic activism. The *Perushim* brought with them a novel perception of the role of the Jewish people in its own salvation. Instead of passively waiting for the arrival of the Messiah, they wished to rebuild the ancient Jewish homeland and thereby expedite the arrival of the messianic age. Had this radical new philosophy become the mainstream of Orthodox thinking, the subsequent history of the Jewish people might have been very different. In spite of the attempts of such proto-Zionist thinkers as Rabbi Akiva Joseph Schlesinger, however, most fundamentalist circles came to reject this revolutionary ideology.

Chapter two describes what was, perhaps, the greatest threat to traditional Judaism until secularism began to dominate Jewish life towards the end of the period discussed in this thesis - the missionaries. This was a central preoccupation for the Jews of Palestine throughout the century.

Chapter three recounts the controversy surrounding proposals to introduce the Jews to modern education.

Section II describes the struggle of the Jews to cope with the difficult material conditions which prevailed in Palestine throughout the century. Chapter four shows the pervasive influence of what was, for many Jews, their only source of income - the *halukkah* charity system.

Chapter five discusses the growth of the Jewish population, and the demographic changes it experienced. Chapter six describes the commercial life of those Jews who were not totally dependent on the *halukkah*, particularly the dramatic growth of the export trade in *etrogim*.

Section III describes the society the Jews lived in during the period and the events that moulded it. Chapter seven describes Jewish society at the level of petty politics. Chapter eight outlines the Jews' relationships with their

Gentile neighbours as well as their Turkish or Egyptian rulers.

Chapter nine discusses several subjects, including the string of natural disasters which befell the Jewish community, from plagues to earthquakes. The chapter also discusses many aspects of everyday life, including marriage, communications, and health.

Finally, Chapter ten describes the division between the Sephardim and the Ashkenazim, and the rise of the Ashkenazi community to its position of parity. The chapter analyzes the causes of friction between the two communities, as well as the bonds that united them.

At the suggestion of my supervisor, Dr. T. V. Parfitt, I have limited my primary source material to rabbinic documents produced in Palestine during the period. This approach has allowed me to present the Jews of Palestine as they described themselves, rather than as outsiders saw them, and has provided a fascinating new perspective on this important historical subject. Contemporary material from non-rabbinic sources and modern historical analyses have been included only for illustrative or comparative purposes. Almost all of the translations in this thesis are mine. In certain places, I have made minor adjustments to the literal translation for the sake of clarity.

The body of relevant rabbinic and halakhic literature encompasses a wide variety of texts. The rabbis and scholars of this period had many means of expressing their opinions on halakhic and other issues. This research has uncovered books, sermons, obituaries, novellae, *responsa*, letters, and numerous hand-written manuscripts, many of them never previously researched.

**MANUSCRIPT SOURCES:**

1. Jewish National University Library (J.N.U.L)
2. Yad Ben Zvi Archives
3. Archives of the British Foreign Office, Public Record Office, London. All the volumes of dispatches marked F.O. 78/ and F.O. 195/ from the Jerusalem consulate.
4. CZA - Central Zionist Archives
5. Other small Jerusalem archives such as the one belonging to Rabbi B. Horowitz

GLOSSARY

<i>Aginut</i> (Heb.)	state (for a woman) of being unable to remarry because her husband deserted her without divorcing her or because her husband's death cannot be proven to the satisfaction of a <i>Bet Din</i> .
<i>Agunah</i> (pl. <i>agunot</i> , Heb.)	a woman in the state of <i>aginut</i> .
<i>Aliyah</i> (Heb.)	(lit. ascension) immigration to <i>Erez Israel</i>
<i>Bet Holim</i> (Heb.)	(lit. house of the sick) hospital
<i>Bet Din</i> (pl. <i>Battei Din</i> , Heb.)	(lit. house of law) rabbinical court.
<i>Bet Midrash</i> (Heb.)	school for higher rabbinic learning, often attached to or serving as a synagogue.
<i>Bittul Torah</i> (Heb.)	(lit. annulment of Torah) failure to utilise time for the study of the Torah
<i>Birkat ha-Gomel</i> (Heb.)	blessing recited upon emerging from a dangerous situation
<i>Cizye</i> (Turk.)	poll tax
<i>Dayyan</i> , (pl. <i>dayyanim</i> , Heb.)	member of rabbinic court
<i>Dhimmi</i> (Ar.)	Non-Muslim (generally Christian or Jewish) subject of a Muslim state.
<i>Dina de-malkhuta dina</i> (Aram.)	"The law of the realm has the same status as rabbinical law."
<i>Dinei Mamonot</i> (Heb.)	Halakhic rules pertaining to financial matters.



<i>Erez Israel</i> (Heb.)	Hebrew name for the Land of Israel. The term <i>Erez Israel</i> is to be found in the Bible, wherein its meaning is not consistent, inasmuch as the term refers equally to the area held by the Israelites (I Samuel 13:19) and the Northern Kingdom (II Kings 5:2). <i>Erez Israel</i> became the current appellation of the land promised to the Jews only from the Second Temple period onward. The British Mandate used the term as the official Hebrew designation of the area governed by it post World War I (often using the Hebrew abbreviation <i>alef-yod</i> on coins and stamps).
Firda (Ar.)	Capitation tax.
<i>Firman</i> (Turk./Persian)	Turkish sovereign's edict.
<i>Gabella</i> (Latin)	a communal tax
<i>Gaon</i> (pl. <i>geonim</i> , Heb.)	originally a title bestowed on the heads of the Jewish academies of the post-Talmudic period. Later, a title bestowed on especially prominent rabbinic scholars.
<i>Genizah</i> (Heb.)	depository for sacred writings that are no longer be usable

*Hakham Bashi*  
(Heb./Turk.)

title composed of the Hebrew word "hakham" (sage), and the Turkish word "bashi" (head or chief). Given title of the Chief Rabbi in the Ottoman Empire. The first office given the title of *Hakham Bashi* was established in Constantinople in 1836. The *Hakham Bashi* was given powers as a representative of the government, and within his area of jurisdiction, was a supreme authority of all religious matters. He had the authority from the Ottoman authorities to ban and excommunicate offenders and even to prohibit their religious burial. The *Hakham Bashi's* person and residence enjoyed diplomatic immunity. Any dispute between himself and local Muslim authorities would be settled by the supreme authorities of the Empire in Constantinople. Local *Hakham Bashis*, such as the one in Jerusalem, were appointed upon the recommendation of the *Hakham Bashi* of Constantinople, who was thus effectively the Chief Rabbi of the entire Ottoman Empire. Appointment as *Hakham Bashi*, particularly in Turkey, did not mean that the holder of the office was of particular rabbinic eminence, but in Jerusalem, the appointees to the post were generally scholars and eminent rabbis. The first *Hakham Bashi* in Jerusalem was appointed by Imperial firman in 1841. He also used the title *Rishon le-Zion*, which was a title given to the Sephardi Chief Rabbi of Jerusalem. The first scholar to use this title was apparently Moses ben Jonathan Galante, 1620-1689. The title emanated from the text in Isaiah 41:27. The title *Hakham Bashi* is still in use in the Turkish Republic, which has in Constantinople the largest Jewish community of the territories which once belonged to the Empire (excluding Israel).

*Halakhah* (Heb.)

rabbinical law

Glossary - ix

- Halukkah* (Heb.) (lit. distribution)  
Charity system which financed the continuing Jewish presence in *Erez Israel* through collections from the Jewish communities in the Diaspora. An individual in *Erez Israel* received his portion of the *Halukkah* from the *kolel* - communal organization - to which he belonged
- Harac* (Turk.) land tax
- Haskalah* (Heb.) (lit. enlightenment)  
A movement for the spread of modern European culture among Jews, active approx. 1750 to 1880. This movement was rejected by most Orthodox Jews, who saw it as a threat to the Jewish religion.
- haskamah* (pl.  
*haskamot*, Heb.) rabbinical approbation or agreement sought by an author from eminent rabbis. The approbation or agreement is usually published at the front of the work. The *haskamot* are usually composed in a variety of nuances indicating to the possible reader the value of the material contained therein.
- Hazer* (pl.  
*hazerot*, Heb.) lit. courtyard)  
a *hazer* was a cluster of buildings interwoven into one complex, often combining residential sections with synagogues and small schools. This arrangement contributed to the security of its residents. Similar arrangements were found in the Arab quarters, but each Arab courtyard usually belonged to a single extended family, while Jewish *hazerot* were usually shared between many families and communal institutions.
- Hazzan* (Heb.) cantor
- Heder* (pl.  
*hadarim*, Heb.)) (lit. room)  
religious pre-school

Glossary - x

- Herem* (Heb.) ban, excommunication. States that which is separated from common use or contact because it is proscribed. (c.f. Arabic *haruma* - be forbidden; *harim* - women's quarters). The *herem* of Ezra is the first indication of a *herem* operating by way of excommunication. See Ezra 7:46. A person on whom a *herem* was placed was subject to extreme hardships within the closed Jewish community: "expulsion of his children from school and his wife from synagogue; prohibition against burial and according him any honor due to the dead (*Shulhan Arukh* YD. 334:10; *Rema* YD. 334:6); he was to be treated as a non-Jew, his bread and wine were forbidden like those of a heathen, his *zizit* (ritual fringes) were to be cut off, and the *mezuzah* removed from his door. The growth and frequency of the *herem* as punishment was in no small degree due to the role excommunication played as a punishment of the Church. In fact, some of the penances were even borrowed from the practices of the Church.
- Heter* (Heb.) permission or release from prior obligation.
- Issur*  
(pl. *issurim*,  
Heb.) ban or prohibition
- Jizya* - (Ar.) See *cizye*
- Kashrut* (Heb.) the body of dietary laws prescribed for Jews
- Kharaj* (Ar.) See *harac*
- Kinah* (pl.  
*kinnot*, Heb.) poem expressing mourning and sorrow. A lamentation usually recited on the 9th of the month of Av recalling the destruction of the Temple.

*Klei Kodesh*, (pl. of *Kli Kodesh*, Heb.)

the term *Kli Kodesh* may be literally translated as "holy vessel". It is usually used as a figurative term for religious ministrants, such as rabbi, beadle, cantor, etc., i.e. people who devote their lives to religion. This term was applied more broadly by many of the Jews of *Erez Israel* to themselves.

*Kolel* (Heb.)

lit. "embracing all". In this context used to refer to any group of Ashkenazi Jews in *Erez Israel* all originally from one country or district, the members of which received allocation from the funds collected in their countries of origin for their support.

*Kunteres* (<Latin)

a rabbinical opus often in the form of a pamphlet. L. Zunz regarded the word as an abbreviation or corruption of the Latin word *commentarius*.

*Kupah* (Heb.)

a fund

*Lag ba-Omer* (Heb.)

The 33rd Day of the *Omer*. The *Omer* is the first sheaf of barley cut during the harvest offered in the Temple on the second day of Passover. The period known as the *Omer* is 49 days counted from the second of Passover until the festival of Shavu'ot. This is considered a period of mourning punctuated by a semi-holiday - the 33rd day - *Lag ba-Omer*.

*Ma'aserot* (Heb.)

tithes - used for the priests and the poor (see Numbers 18:21-24, Deuteronomy 14:22-26, et al). These were deemed inapplicable to produce grown outside of *Erez Israel*.

*Maskilim*, (pl. of *maskil*, Heb.)

a proponent of the Hebrew *haskalah* (enlightenment).

*Menorah* (Heb.)

Candelabrum; seven branched lamp used in the Temple (also eight branched candelabrum used on Hanukkah festival).

<i>Midrash</i> (Heb.)	a method of interpreting scripture; <i>Midrash Rabbah</i> is a collection of such rabbinic interpretations.
<i>Mikveh</i> (Heb.)	ritual bath
<i>Minhag</i> (Heb.)	a custom
<i>Minyan</i> (Heb.)	Quorum of 10 men required for recital of public prayers.
<i>Mishnah</i> (Heb.)	the section of the Talmud consisting of the collection of Oral Laws edited A.D. c. 200 by Rabbi Judah ha-Nasi.
<i>Mitnaggedim</i> (lit. opponents, Heb.)	this was a designation for the opponents of <i>hasidim</i> . In time, its negative connotations were lost, and it came to designate a particular way of life.
<i>Mitzvah</i> (pl. <i>mitzvot</i> , Heb.)	a biblical or rabbinical commandment; a positive precept.
<i>Mitzvot ha-Teluyot ba-Arez</i> (Heb.)	commandments that are peculiar to <i>Erez Israel</i> such as tithes and a variety of agriculturally related precepts, such as <i>leket</i> , where the farmer is forbidden to reap the whole of a field without leaving the corners for the poor (Lev. 23:32), or where the farmer is forbidden to gather up the ears of corn that fall during reaping or to harvest the misformed clusters of grapes or the grapes that fall or to return to take forgotten sheaves of wheat (Lev. 19:9, 10; Deut. 24:19. See also regarding the rules of <i>shemittah</i> , which prohibit tilling the earth every seventh year (Lev. 25:4).
<i>Moghrabi</i>	Jews who came from the <i>Maghreb</i> , i.e. Northern Africa, were called <i>Moghrabis</i> and belonged to the <i>Moghrabi</i> community which was originally a part of the Sephardi community.
<i>Pekidim</i> and <i>Amarkalim</i> (Heb.)	Society established in Amsterdam to centralize the collection of funds from Europe

- Perushi* (Heb.)                    adjectival form of *Perushim* (lit. those who abstain): a name adopted by the disciples of the Vilna Gaon. The name *Perushim* has roots in antiquity; the Babylonian Talmud (Tractate *Baba Batra* 60b) mentions that after the destruction of the Temple, many became "*perushim*" and abstained from meat and wine as a sign of mourning. The latter-day *Perushim* did not adopt this former abstention, but the name was utilized to indicate an abstention from matters that were not connected with their religion.
- Peruta* (Heb.)                    The lowest denomination of coin of the period under consideration by this thesis. Probably worth less than an equivalent-period farthing.
- Pitamal* (Turk.)                    the appointee of the authorities regarding estates
- Qadi* (Ar.)                        Muslim judge
- Ra'aya* (Ar.)                      Non-Muslim Ottoman citizens
- Responsa*  
(*She'elot u-Teshuvot*, Latin [Heb.])                    (lit. queries and replies). This term denotes an exchange of letters, in which one party consults another on a halakhic matter. This exchange of letters is normally between rabbis. Such *responsa* are found as early as the period of the Babylonian Talmud. In one case, the Talmud recounts an enquiry relating to a halakhic practice that had been sent to the father of the great Talmudist, Samuel (*Yevamot* 105a). In another place, the Talmud (*Sanhedrin* 29a) talks of a litigant who claimed that he could bring a letter from *Erez Israel* which would support his view - the allusion being to a written *responsum* obtained by presenting the facts of the case before a respondent in a distant locality. The *responsa* have always been considered a prime source of Jewish historical material, and since the beginning of modern Jewish historiography, the *responsa* literature has been drawn upon for this purpose. Many important works have been written based on *responsa*.

Glossary - xiv

<i>Rishon le-Zion</i> (Heb.)	title given to Sephardi Chief Rabbi of <i>Erez Israel</i>
<i>Sefer Torah</i> (Heb.)	Torah scroll
<i>Sephardim</i> (Heb.)	the descendants of Jews who lived in Spain or Portugal before the expulsion in 1492. While Sephardim and Ashkenazim do not differ in the basic tenets of Judaism, there are great differences in matters of detail and outlook. Sephardim follow the codification of Rabbi Joseph Caro ( <i>Maran</i> - "our master") in the <i>Shulhan Arukh</i> in matters of religious law, without having any regard to the strictures of Rabbi Moses Isserles, whom the Sephardim call <i>Moram</i> , "their teacher" i.e. of the Ashkenazim. The synagogue service of the Sephardim differs considerably from that of the Ashkenazim, as do many religious technical terms. The Sephardi element within the Jewish people contracted both in importance and demographically after the middle of the seventeenth century. During the Middle Ages, the Jews of Spain formed somewhere in the region of half of world Jewry. Their relative, but not absolute numbers declined from the mid-seventeenth century. In the modern period, the Ashkenazi element within the Jewish people has constituted approximately nine tenths of all the Jews. Before the Holocaust, of the approximately 16,500,00 Jews in the world, about 15,000,000 were Ashkenazim, and only 1,500,000 were Sephardim and other non-Ashkenazi communities. Only in <i>Erez Israel</i> during the period under consideration were the Sephardim to hold greater power and numbers than the Ashkenazim.
<i>Shabbat ha-Gadol</i> (Heb.)	The Sabbath prior to Passover.



<i>Shadar</i> (Aram.)	a shortened name for <i>Sheluhei de-Rabannan</i> . This name was given to emissaries from <i>Erez Israel</i> sent abroad to raise funds for the community. This tradition of fund-raising has roots going back to the period after the destruction of the Second Temple, where emissaries were sent in groups. See Jerusalem Talmud (Hor. 3:7, Pes. 4:8). The tradition ceased for several hundred years, but was renewed after the Arab conquest of <i>Erez Israel</i> in the 630's, when emissaries were sent by the <i>geonim</i> and heads of the academies. The leaders of the Jewish community in Amsterdam succeeded in 1824 in abolishing the tradition of sending emissaries to all the communities in Europe. They set up a permanent center in Amsterdam for contributions to <i>Erez Israel</i> - called <i>Hevrat Terumat Kodesh</i> (society for holy contributions), however this name was abandoned and the institution became known as <i>Pekidei u-Mashgihei ve-Amarkalei Erez Israel</i> (officers, overseers and treasurers of <i>Erez Israel</i> ).
<i>Shehitah</i> (Heb.)	ritual slaughter
<i>Shekhinah</i> (Heb.)	Divine Presence.
<i>Shohet</i> (Heb.)	ritual slaughterer
<i>Shemittah</i> (Heb.)	Sabbatical year in which no agricultural work may be done by Jews
<i>Shtreimel</i> (Yidd.)	The fur-trimmed hat commonly worn by Polish Jews
<i>Takkanah</i> (pl. <i>takkanot</i> , Heb.)	regulation or bye-law supplementing the law of the Torah; regulations governing the internal life of communities.
<i>Talmud Torah</i> (pl. <i>Talmudei Torah</i> , Heb.)	a Jewish parochial school.
<i>Talmid hakham</i> , (pl. <i>Talmidei hakhamim</i> , Heb.)	(lit. students of sages) Torah scholars

<i>Tanna</i> (pl. <i>Tannaim</i> , Aram.)	Scholar quoted in the Mishna
<i>Tanzimat</i> (Turk.)	Period of reforms within the Ottoman Empire, 1840-1861
<i>Ten Lost Tribes</i>	tradition concerning the fate of the ten tribes that constituted the Kingdom of Israel. <i>Erez Israel</i> , during biblical times, was divided into ten tribes - constituting the Kingdom of Israel, and the two tribes - of Judah and Benjamin, which constituted the southern Kingdom of Judah. Israel fell in 722 BCE and all of its inhabitants were exiled.
<i>Terumot</i> (Heb.)	offerings
<i>Tikkun hazot</i> (Heb.)	<i>Tikkun</i> (lit. restitution or re-integration) is a mystical term denoting restoration of the correct order and true unity in the cosmos. <i>Hazot</i> means "midnight." <i>Tikkun hazot</i> refers to a ritual, traditionally held in the middle of the night, in which prayers are recited for the restoration of the world.
<i>Yeshivah</i> (pl. <i>yeshivot</i> ) (Heb.)	(lit. sitting) school for religious instruction.
<i>Yishuv</i> (Heb.)	settlement, esp. the Jewish settlement in <i>Erez Israel</i> .
<i>Va'ad</i> (Heb.)	committee, board.
<i>Zohar</i> (Heb.)	mystical commentary on the Pentateuch. Main textbook of the <i>Kabbalah</i> .
<i>Zuz</i> (pl. <i>zuzim</i> )	Talmudic-period silver coin worth 1/4 of a shekel.

ABBREVIATIONS

AIU	Alliance Israelite Universelle
Alliance	Alliance Israelite Universelle
BT	Babylonian Talmud
CZA	Central Zionist Archive
EJ	Encyclopedia Judaica (Jerusalem 1972)
Eliav <i>Ahavat Zion</i>	M. Eliav, <i>Ahavat Zion Ve-Anshei HoD - Yehudei Germania ve-yishuv Erez Israel ba-meah ha-tesha esreh</i> (Tel Aviv 1970)
Eliav, Erez	M. Eliav. <i>Erez Israel ve-Yishuvah ba-meah ha-tesha esreh 1777-1917</i> (Jerusalem, 1978)
Frankl <i>Yerushalaima</i>	L.A. Frankl, <i>Yerushalaima - Hebrew translated edition of "Nach Jerusalem" - Vienna 1854</i> (M. Stern translator)
Gat	BenZion Gat - <i>ha-Yishuv ha-Yehudi be-Erez Israel bi-Shnot 1840-1881</i>
Gerliz Mara	I. Gerliz, <i>Mara De'Ara'a Israel</i> (Jerusalem 1969)
Halevy <i>Sifrei Yerushalayim</i>	Shoshana Halevy, <i>Sifrei Yerushalayim ha-Rishonim ha-Sefarim ha-Hovrot ve-ha-Dapim ha-Boddedim she-Nidpesu be-Otiyot Ivriyot ba-Hamishim ha-Shanim ha-Rishonot la-Dfus ha-Ivri bi-Yrushalayim 1841-1890</i> , (Jerusalem 1976)
Hyamson	A.M. Hyamson, <i>The British Consulate in Jerusalem in Relation to the Jews of Palestine 1838-1914</i> (2 volumes, London, 1939, 1941)
Iggrot	A. Ya'ari, <i>Iggrot Erez Israel</i> , (Tel Aviv, 1944)

Abbreviations - xviii

<i>Iggrot ha-Pekidim ve-ha-Amarkalim</i>	<i>Iggrot ha-Pekidim ve-ha-Amarkalim</i> , 1-3, Joseph Joel and Benjamim Rivlin (eds.) Jerusalem, 1975-1979
<i>Iggrot ha-Pekidim ve-ha-Amarkalim</i> , Ms.	1826-1870 , Yad Ben Zevi Archives, (Jerusalem)
J.N.U.L.	Jewish National University Library
Kalisher Works	<i>Emunah Yesharah, helek shelishi (Derishat Ziyon be-Hevrat Erez Noshevet)</i> , Lyck, 1862.
<i>Ma'asei Avot</i>	<i>Ma'asei Avot, Kinnui le-Zaddikim Osef ha-Ramot Neged ha-Hinuh he-Hadash</i> (Jerusalem, 1901)
Ma'oz	Ma'oz, M., <i>Ottoman Reform in Syria and Palestine - 1840-1861 - the Impact of Tanzimat on Politics and Society</i> (Oxford, 1968)
Parfitt <i>The Jews in Palestine</i>	T. V. Parfitt, <i>The Jews in Palestine 1800 - 1882</i> (Royal Historical Society, 1987)
Schlesinger <i>Mahzire Atara</i>	A.J. Schlesinger, <i>Sefer Hevra Mahzirei Atara leYishuv</i> (Jerusalem 1873 - 1956 reprint)
<i>Sha'alu Shelom Yerushalayim</i>	Moses Nehemia Kahanov, <i>Sha'alu Shelom Yerushalayim</i> , (Jerusalem 1867)
Tr	Tractate

**SECTION I: THE SPIRITUAL STRUGGLE**

Chapter I: The Two Messianic Philosophies

Chapter II: The Missionaries

Chapter III: The Education Controversy

CHAPTER I

THE TWO MESSIANIC PHILOSOPHIES

"The goal of our activity shall be the settlement of the Land."

Rabbi Judah Alkalai<sup>1</sup>

"All this construction and the buying of fields and vineyards seems to all of us a matter of madness."

Zevi Hirsch Lehren<sup>2</sup>

Of all the ideological arguments that raged through the *Yishuv*<sup>3</sup> during the 19th century, none was more central or more persistent than that between what can be termed the passive and the active messianic philosophies. Each philosophy attracted devout men who were steadfastly committed to the service of Judaism; but their views differed sharply on the proper relationship of the Jewish people with its holy land.

The passivist philosophy held that, until the arrival of the Messiah, the presence of holy men studying the Torah in *Erez Israel*<sup>4</sup> was of final and quintessential importance; all

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1 J.H. Alkalai, public letter; *Havazelet*, Year 1, issue 20 (1871). See also B. Dinbourg, *Sefer Ha-Shanah Shel Erez Israel*, (Tel Aviv, 1923), p. 471.

2 See *Iggrot ha-Pekidim ve-ha-Amarkalim*, MS. Volume 8 p. 46/1; Yad Ben Zvi Archives, Jerusalem. This letter was signed by the director of the *Pekidim* and *Amarkalim* Society - Zevi Hirsch Lehren.

3 *Yishuv* (literally "Settlement"): The Jewish community of *Erez Israel*.

4 *Erez Israel*: Hebrew name for the Land of Israel. The term *Erez Israel* is to be found in the Bible, wherein its meaning is not consistent, inasmuch as the term refers equally to the area held by the Israelites (I Samuel 13:19) and the Northern Kingdom (II Kings 5:2). *Erez Israel* became the current appellation of the land promised to the Jews only from the Second Temple period onward. The British Mandate used the term as the official Hebrew designation of the area governed by it post World War I (often using the Hebrew abbreviation alef-yod on coins and stamps).

## Chapter I: The Two Messianic Philosophies - 2

else was to be set aside. The activist school, on the other hand, considered settlement in *Erez Israel* as a stepping stone towards the establishment of a large Jewish presence, perhaps even a Jewish polity, which would inexorably lead to the arrival of the Messiah.

It must be emphasized that the dichotomy between the "passivists" and "activists" existed not between antagonistic religious and secular communities, but within a single, devoutly religious, group. In some ways, this ideological conflict was indeed similar to the later argument between the new, predominantly secular, Zionist *Yishuv* and the old, predominantly religious, *Yishuv*. The difference here, however, was that the argument did not relate to the centrality of Judaism to the Jewish people. Both the passivists and the activists accepted this as a *sine qua non*. The argument centered on the *interpretation* of Jewish thinking, specifically the Redemption of the Jewish people: should they simply await the arrival of the Messiah, or should his arrival be "hastened" by Jewish activism?

The passivists felt bound by the religious concept enshrined in the doctrine of the "Three Oaths", described in detail below, which they interpreted as a Divine ordinance for the Jews to accept passively their fate in the Diaspora, so long as their Jewish identity was not endangered. The fate of



*Erez Israel*, too, was to be left in Divine hands until the Redemption. The purpose of living in *Erez Israel* was to be transformed into *klei kodesh*, holy vessels.<sup>5</sup> This was done by simply living in the Holy Land, performing the religious commandments, and absorbing religious knowledge.

The activist doctrine took a more down-to-earth approach, believing that human endeavour could facilitate both the arrival of the Messiah and the Divine goal of ingathering the exiles. The activists intended to strengthen the Jewish community in *Erez Israel* through useful, productive work and the creation of a viable economic infrastructure for the Jewish community.

This meant engaging in such mundane pursuits as commerce and trade and expanding the urban and rural Jewish communities in *Erez Israel*.<sup>6</sup> Some activists believed that a long-term political strategy was necessary to achieve these goals and facilitate the arrival of the Messiah. The most startling example of this occurred in 1873, Rabbi Akiva Joseph Schlesinger<sup>7</sup> published what was effectively a blueprint for

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5 *Klei Kodesh*, pl. of *Kli Kodesh*: the term *Kli Kodesh* may be literally translated as "holy vessel". It is usually used as a figurative term for religious ministrants, such as rabbi, beadle, cantor, etc., i.e. people who devote their lives to religion. This term was applied more broadly by many of the Jews of *Erez Israel* to themselves.

6 See Gat pp. 303-304.

7 Akiva Joseph Schlesinger, 1837-1922. An early visionary of modern Zionism, Schlesinger was born in Pressburg and graduated from Hungarian *yeshivot*. A disciple of Moses Sofer (the *Hatam Sofer*), a leader of an extreme

the establishment of a Jewish state in *Erez Israel*,<sup>8</sup> fifteen years before Theodore Herzl, the generally acknowledged "Father of Modern Zionism", began working towards a similar goal.

The passivist philosophy based itself upon the doctrine of the Three Oaths. According to the Talmud, the people of Israel were obliged by the Almighty to fulfill Three Oaths.

"These Three Oaths, what are they for? One, that the People of Israel should not [come to *Erez Israel* in a] wall, and one that the Holy One, blessed be He, has made Israel swear that it shall not rebel against the nations of the world, and one that the Holy One, blessed be He, has made the gentiles swear that they shall not enslave Israel overmuch."<sup>9</sup>

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religious element within European Jewry. Before emigrating to *Erez Israel*, Schlesinger was involved in a struggle waged by traditionalists in Europe against the "enlightened" or "neologic" element in Hungary. In 1865, he attacked in his book *Lev Ivri* those in favour of innovation and reform within the Jewish religion. Schlesinger believed that religious Jewry's only hope was to emigrate to *Erez Israel* and set up a religious Jewish community there. In 1878, Schlesinger became one of the founding members of Petah Tikvah, and having established the new settlement, was involved in the attempt to establish a religious settlement movement within *Erez Israel*.

8 A. J. Schlesinger, *Sefer Hevra Mahzirei Atara le-Yoshna*, Goscinni Press, (Jerusalem, 1873).

9 Tractate *Ketubot*, p. 111a. This is a talmudic discussion of the oaths that appear three times in the Song of Songs:

"I adjure you, daughters of Jerusalem  
By the gazelles and by the hinds of the fields  
That you awaken not, nor stir up love  
Until it please.

The major effect of these Three Oaths<sup>10</sup> was to preclude the Jews from initiating or participating in any action which would cause them to act together in force - as a "wall" -

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This text appears three times with slight variations: see Song of Songs 2:7, 3:5 and 8:4. The triple oath is based on these verses.

- 10 Jody Elizabeth Myers, in *Seeking Zion - The Messianic Ideology of Zevi Hirsch Kalischer 1795-1874*, Ph.D. (University of California, Los Angeles, 1985) analyses the Three Oaths as follows:

"The rabbis regarded the three oaths as six, since each oath is actually double in form (*awaken not, nor stir up love.*) Five of these are prohibitions against active messianism, and one is directed to Israel's Gentile hosts. The first was that the Jews should not emigrate to *Erez Israel en masse* (literally: in a wall), which was explained as 'together, in force.' (This is the explanation of Rabbi Solomon Yizhaki [Rashi], whose explanations were accepted as standard.) Second, they should not rebel against the nations of the world. Third, the nations should not oppress Israel too much. Fourth, the prophets should not reveal the date of the Redemption. Fifth, the Jews should not delay the coming of the Messiah through their misdeeds or by offering an overabundance of supplications. (*Rashi explains misdeeds in this fashion*) Sixth, the rabbis interpreted the phrase 'by the gazelles and by the hinds of the field' as a general warning from God to Israel: 'If you keep the oaths, well and good; but if not, I will permit your flesh to be preyed on like that of the gazelles and the hinds.' (BT *Ketubot* 111a.) Thus, not only was it useless to try to end the exile, it was also forbidden."  
(p. 2)

See also A. Morgenstern *Meshihiut ve-Yishuv Erez Israel* (Jerusalem, 1985), p. 13ff. Compare I. Bartal, *Zippiyot Meshihiyot u-Mekoman ba-Meziut ha-Historit*, *Cathedra*, 1984, Vol 31, pp. 159-171.

to precipitate the return of the Jews to their ancient land and the re-establishment of their rule in *Erez Israel*. This injunction became an integral part of the Jewish attitudes towards the Diaspora. Thus, the Jewish desire to re-establish self-sovereignty was subordinated to the Talmudic injunction against such an act, and did not cause any contradiction with their loyalty to the land of their residence.<sup>11</sup>

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11 For instance, Moses Mendelssohn (1729-1786), philosopher of the German Enlightenment in the pre-Kantian period and spiritual leader of German Jewry, wrote:

"The hoped-for return to Palestine. . . has no implication whatsoever on our civil behaviour. One can attribute this matter to our sages who. . . repeated to us frequently in the Talmud the prohibition against considering a return by force. . . and [who] forbade us to take the smallest step directed to a scaling of the wall and to an uprising of the nation without the great miracles. . . which will be supernatural as promised in the Holy Writings."

See *Sefer ha-Zionut - Mevasrei ha-Zionut*, ed. Ben Zion Dinbourg; Jerusalem, 1944; p. 183

This centuries-old traditional perception<sup>12</sup> changed dramatically in the 19th century, partially as a result of extreme persecution of Jews in Czarist Russia. In particular, it was accelerated by the Cantonist persecutions.

The "Cantonist units" were barracks (cantonments) established for the use of the Russian army. These units provided instruction in drill and military training. Discipline was maintained by threat of starvation. At the age of 18, pupils were drafted to regular units, where they served for 25 years. Enlistment for the Cantonist institutions originated in the seventeenth century, but was most rigorously enforced during the reigns of Alexander I (1801-1825) and Nicholas I (1825-1855). It was finally abolished in 1856. This enactment was aimed at expediting the assimilation of the Jews into Russian society. The most brutal method used to achieve this aim was to conscript Jews for lengthy periods (up to 25 years) into the Russian Army and to "encourage" them to abandon their religion. The

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12 A further example of the traditional view is given by Amsterdam Rabbi Abraham Lowenstamm, who wrote in his work *Zeror ha-Hayyim*,

"we are forbidden. . . we have to dwell quietly, peacefully, under the commands. . . of those who rule over us in every city and every state. . . even if we see that we have the capacity to go up to Jerusalem through the use of force, we are forbidden to do anything. . . lest we transgress the oaths which He has made. . . our forefathers swear."

[*Zeror ha-Hayyim* (Amsterdam, 1820) p. 66a.]

process was facilitated by forcing young Jewish conscripts to remove the recognizable manifestations of their Jewish identity, including shaving their beards and side-curls, as well as the confiscation of articles associated with Jewish ritual. These measures were highly effective: the young Jews in the army came under enormous pressure, and tens of thousands of them succumbed to the pressures and did, in fact, abandon their Jewish faith and customs and convert to Christianity.<sup>13</sup>

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<sup>13</sup> The number of Jewish soldiers who actually converted during the entire 19th century was approximately 70,000. See Y. Halevy Lifschitz, *Zikhron Yaakov* (Kovno 1924), Facsimile edition (Israel 1968), p. 211.

These<sup>14</sup> and other persecutions altered some rabbis' understanding of the doctrine of the Three Oaths. These

<sup>14</sup> A Russian radical author, A. Herzen, described his meeting in 1835 with a convoy of Jewish Cantonists:

"The officer who escorted them said,

'They have collected a crowd of cursed little Jew-boys of eight or nine years old. Whether they are taking them for the navy or what, I can't say. At first the orders were to drive them to Perm; then there was a change and we are driving them to Kazan. I took them over a hundred versts farther back. The officer who handed them over said, 'It's dreadful, and that's all about it; a third were left on the way' [and the officer pointed to the earth]. Not half will reach their destination,' he said.

"'Have there been epidemics, or what?' I asked, deeply moved.

"'No, not epidemics, but they just die off like flies. A Jew-boy, you know, is such a frail, weakly creature, like a skinned cat; he is not used to tramping in the mud for ten hours a day and eating biscuit - then [biscuit] again, being among strangers, no father nor mother nor petting; well, they cough and cough until they cough themselves into their graves. And I ask you, what use is it to them? What can they do with little boys?...'

"They brought the children and formed them into regular ranks; it was one of the most awful sights I have ever seen, those poor, poor children! Boys of twelve or thirteen might somehow have survived it, but little fellows of eight and ten. . . Not even a brush full of black paint could put such horror on canvas. Pale, exhausted, with frightened faces, they stood in thick, clumsy, soldiers' overcoats, with stand-up collars, fixing helpless, pitiful eyes on the garrison soldiers who were roughly getting them into ranks. The white lips, the blue rings under their eyes, bore witness to fever or chill. And these sick children, without care or

rabbis began to argue that the injunction against activism applied only as long as the Gentile nations were not intolerably oppressive. This principle was clearly set out in the third Oath: "The idol-worshippers swear that they shall not enslave Israel overmuch."

By the most minimalist interpretation, the Gentiles were expected to permit the continuity of Jewish practices. Some scholars argued that when the Gentile nations prohibited these practices, threatening the very essence of Jewish identity and spirit, the Jews were no longer bound by the prohibitions of the first and second Oaths against any act expediting the Redemption. On the contrary, these rabbis argued, Jews were obligated under those circumstances to take immediate positive action in order to safeguard the Jewish way of life.

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kindness, exposed to the icy wind that  
blows unobstructed from the Arctic Ocean  
were going to their graves"

A. Herzen, *My Past and Thoughts*, Vol. I (1968), pp. 219-20

The horror that descended upon the Jewish communities in Russia is reflected in a folk poem of that period:

"Tears flood the street  
Bathed in the blood of children  
The fledglings torn from heder  
And thrust into uniform  
Alas! what bitterness  
Will day never dawn?"

See Mendele Mokher Sefarim, *Emek ha-Bakha*; Judah Steinberg [a victim of these persecutions], *ba-Yamim ha-Hem* (Cracow, 1899). See also M. T. Stanislavsky, *The Transformation of Jewish Society in Russia, 1825-55* (Harvard University, 1979).



In 1830, Rabbi Israel of Shklov<sup>15</sup> outlined the theological case for activism:

"Now in this last generation when troubles come often. . . we beg our Lord reprove us, reprove us!. . . and if He is somewhat angry as a result of the sins of His people, they [the Gentiles] are worse. . . and transgressed the oath which the Lord our God swore them to that they shall not increase the harshness of the enslavement of Israel so that the latter shall not [attempt] to bring nearer the End of Days [i.e. the Messiah]." <sup>16</sup>

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15 Israel ben Samuel of Shklov (died 1839), Lithuanian talmudic scholar and later a leader of the *Kolel ha-Perushim*, the disciples of Elijah ben Solomon Zalman, the Vilna Gaon. Israel was born and raised in Shklov, and after the Gaon's death was involved in the preparation of the Gaon's commentaries for publication. In 1809, he joined the third group of the Gaon's disciples led by Hayyim Katz and settled in Safed. In 1810, he published the commentary of the Vilna Gaon on Tractate Shekalim, with a commentary of his own under the title of *Taklin Hadtin*. He returned to Safed in 1813, left for Jerusalem to escape from the Safed plague but lost two sons, two daughters and a son-in-law. His parents, he himself, and his youngest daughter died shortly afterwards. In 1830, he published *Peat ha-Shulhan*, which dealt with laws applying in Erez Israel which were omitted from the *Shulhan Arukh*, Rabbi Joseph Caro's codification of Jewish law. The work did not appear until 1836, its printing disrupted by an attack by the Arabs on the upper Galilee and Safed Jewry. Rabbi Israel died in 1839 in Tiberias. His grave and tombstone were discovered in Tiberias in 1964. See also A. Frumkin in *Zion*, II, 1927, pp. 128-48; S. Levy in *Sinai*, V, 1939, pp. 30-37; L. Jung, ed., *Men of the Spirit* (New York, 1964), pp. 61-81.

16 See Rabbi Jacob Saphir, *Even Saphir*, Vol. I, pp. 93-95; also Ya'ari, *Shelihut Erez Israel le-Asseret ha-Shvatim*, *Sinai*, Year 3, no. 2-13

Some noted activist rabbis in the Diaspora, such as Zevi Hirsch Kalischer,<sup>17</sup> suggested that passivity in this time of crisis could be a crime as great as Cain's:

"Everyone who does any activity with all his strength and might fulfills the

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17 Rabbi Zevi Hirsch Kalischer, important Orthodox Zionist rabbi, born in Posen. Kalischer studied under the great scholar, Rabbi Akiva Eger. In 1824, he settled in Thorn, where he lived until his death. His major activity was the advocacy for the idea of settlement in *Erez Israel*. Kalischer promoted the opinion that the salvation of the Jews would not come, as had been believed for many generations previously, through a miracle - but stressed that salvation would be brought about by human endeavour. He was of the opinion that the supernatural redemption should and must be preceded by a natural redemption which involves the observance of the mitzvot connected with *Erez Israel*, including the settlement thereof. He followed Rabbi Judah Alkalai, and based his doctrine on the Talmudic saying "it [the coming of the Messiah] depends solely on the return to God" (Sanhedrin 97b). In his interpretation, the word "return" meant the return to *Erez Israel*. Like Alkalai, his philosophy regarding the return of the Jews to *Erez Israel* was reinforced by the nationalist struggles of the various peoples of Europe. Kalischer criticized his fellow Jews for being the only national group in Europe without aspirations for national independence. Kalischer's book, *Derishat Zion* (Lyck, 1862), which came out in a number of editions, was the basic textbook explaining to the Orthodox section of the Jewish people the idea of the return to *Erez Israel*. In his book, Kalischer divided the redemption into two stages: the natural one, including the return to *Erez Israel*, productivization and labour (especially agricultural); and the supernatural one which was to follow. The natural stage would reinvigorate the *Yishuv* in *Erez Israel* and disengage it from the humiliating dependence on donations from abroad. Kalischer was involved in many disputes with the leading rabbis of the day, and defended his philosophy, even before the great rabbis of the time. He believed that large scale agricultural endeavour was the key, and a small beginning of his ideals was realized with the establishment of the *Mikveh Israel* agricultural school (see Chapter 3 below). At one point, he even considered going to live at the school at the invitation of its director, Netter, and supervise there the performance of the mitzvot which were connected with *Erez Israel*.

obligation to seek Zion and God's presence. Whether he is successful or, God forbid, unsuccessful, it is counted to his benefit..., and just the opposite: if something occurs to me which might possibly lead to success, and I am silent, then 'my sin is to great for me to bear' (Genesis 4:13)"<sup>18</sup>

Rabbi Kalischer questioned the extent of the application of the Three Oaths. He referred to the Prophet Nehemiah:

"Is it reasonable to assume that when Nehemiah, may he rest in peace, stood before King Cyrus, sad-faced, and pleaded with him to build the ruins of Jerusalem, that he was transgressing the oath, God forbid?<sup>19</sup> God desired that he be successful."<sup>19</sup>

Rabbi Israel stated further that the situation had become intolerable and requested that the Lord

"remember our fathers, Abraham, Isaac and Jacob and have mercy to gather our exiles to build our Temple. . . ."<sup>20</sup>

Rabbi Israel emphasized that the Three Oaths did not bind the Jewish nation alone, but were a contractual obligation on the part of the Gentiles as well. He stated that the nations of the world

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18 *Kalischer Derishat Zion*, Kalischer Works, pp. 97-98.

19 *Ibid.* Kalischer repeated this argument, including the references to Nehemiah, in his letter to Rabbi Meir Auerbach, *Ha-Levanon*, no. 8 (1863), reprinted in Works, p. 202.

20 See Rabbi Jacob Saphir, *Even Saphir*, Vol. I, pp. 93-95; also Ya'ari, *Shelihut Erez Israel le-Asseret ha-Shvatim*, Sinai, Year 3, no. 2-13. See also Eliav, *Ahavat Zion*, pp. 66-70.

"have transgressed the oaths that the Lord our God swore them to, that they will not make the difficulty of the enslavement of Israel too harsh in order that they shall not hasten the End of Days."<sup>21</sup>

Rabbi Israel proposed that Jews now play an active role in the process of salvation, a proposition that is expressed in the following sentence:

"All matters require awakening firstly from below [i.e. not from Heaven]."<sup>22</sup>

This was a revolutionary expression of the *Perushi*<sup>23</sup> belief in the grass-roots power<sup>24</sup> of the People of Israel to

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21 Ibid.

22 Ibid.

23 *Perushi*, adjectival form of *Perushim* (lit. "those who abstain"): a name adopted by the disciples of the Vilna Gaon. The name *Perushim* has roots in antiquity; the Babylonian Talmud (Tractate Baba Batra 60b) mentions that after the destruction of the Temple, many became "*perushim*" and abstained from meat and wine as a sign of mourning. The latter day *Perushim* did not adopt this former abstention, but the name was utilized to indicate an abstention from matters that were not connected with their religion.

24 Kalischer also supported this idea that the Messianic age would not arrive suddenly and miraculously, but would come as a result of merit:

"If the Almighty would suddenly appear, one day in the future, through undeniable miracles, this would be no trial. What straining of faith would there be in the face of the miracles and wonders attending a clear heavenly command to go up and inherit the land and enjoy its good fruit? Under such circumstances what fool would not go there, not because of his love for God, but for his own selfish sake? Only a natural beginning of the Redemption is a true test of those who initiate it. To concentrate all one's energy on this holy work and to renounce home and

"awaken" the Divine spirit and, through their own effort, bring about the arrival of the Messiah.

A large group of *Perushim* came from Vilna (in three stages) in order to found a community in Safed on the basis of these new interventionist interpretations of Jewish doctrine. These disciples of the Gaon of Vilna were filled with a rare sense of poetry and inspiration. In one of the first epistles of the *kolel*<sup>25</sup> of the *Perushim*, signed Safed in 1810, the belief in of the redemption of the land was given full poetic expression when the rabbinical authors expressly wrote about the rebuilding of the Third Temple.

"the honor of which will be greater than the first [two] and then the dispossessed of Israel will be ingathered from the four corners."<sup>26</sup>

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fortune for the sake of living in Zion before "the voice of gladness and the voice of joy" (Jeremiah 7:34) are heard - there is no greater merit of trial than this."

*Derishat Zion*, Kalischer Works, p. 62.

- 25 *Kolel* (pl. *kolelim*): lit. "embracing all". In this context, used to refer to any group of Ashkenazi Jews in *Erez Israel* all originally from one country or district, the members of which received allocation from the funds collected in their countries of origin for their support.
- 26 A. Ya'ari: *Shelihuto shel Rabbi Israel mi-Shklov, Sinai, Yarhon le-Torah, le-Mada u-le-Sifrut*, Rabbi J.L. HaCohen, *Yismah* ed. Year 3 Vol V (Jerusalem, 1939), p. 52 ff. See Appendix I of this thesis, which is a facsimile of *Iggeret ha-Kolel* (J. N. U. L. Manuscript L.70). This, the only existing copy of this missive, is signed 10 Adar II 1810, and was printed in Russia at the behest of Rabbi Israel of Shklov. See also *Iggrot* p. 337, where there is an incomplete copy.

The letter spoke of

"Jerusalem, the Holy City, which will be like all other lands, built with buildings."<sup>27</sup>

It expressed a sense of mystical belief in the imminent salvation that

"the land is a harbinger, the land awakens, awakens."<sup>28</sup>

It further described the land in lyrical terms

"I remember the days I was a kingdom. . . in the hand of the Lord, with a glorious crown."<sup>29</sup>

And it included a description of the ingathering of the exiles:

". . . their souls foaming, sojourning in their gathering to raise high. . . the Torah."<sup>30</sup>

The theological and philosophical orientation of the disciples of the Vilna Gaon was thus one of intense activist messianism. These new immigrants to *Erez Israel* were overjoyed by the opportunity to practice a number of *mitzvot*<sup>31</sup> which could be performed only in *Erez Israel*, and which had, therefore, fallen largely into disuse since the

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27 Ibid.

28 Ibid.

29 Ibid.

30 Ibid.

31 *Mitzvah* (pl. *mitzvot*): a biblical or rabbinical commandment; a positive precept.

beginning of the Exile. These *mitzvot* were called the *mitzvot ha-Teluyot ba-Arez*, i.e. the commandments that can only be performed within the land of Israel.<sup>32</sup> In a letter that the heads of the Ashkenazi Yishuv in Jerusalem delivered to the Anglo-Jewish philanthropist Moses Montefiore<sup>33</sup> in the year 1859, they wrote

"It is a tradition that we have from our fathers that. . . the keeping of our holy Torah in the Holy Land, with all its rules and laws regarding the precepts depending on the Holy Land, then. . . plenty will descend from the source of blessings."<sup>34</sup>

Indeed, in a letter written by the rabbis of the group from Vilna, there is reference to the fact that

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32 *Mitzvot ha-Teluyot ba-Arez*: commandments that are peculiar to *Erez Israel* including tithes and a variety of agriculturally related precepts, such as *leket*, where the farmer is forbidden to reap the whole of a field without leaving the corners for the poor (Lev. 23:32), or where the farmer is forbidden to gather up the ears of corn that fall during reaping or to harvest the malformed clusters of grapes or the grapes that fall or to return to take forgotten sheaves of wheat (Lev. 19:9, 10; Deut. 24:19. See also regarding the rules of *shemittah*, which prohibit tilling the earth every seventh year (Lev. 25:4).

33 Moses Montefiore (1784-1885), an important English Jew who was deeply involved in philanthropic causes in *Erez Israel*. Montefiore also interceded on behalf of Jews in distress throughout the world. See T. V. Parfitt, "Sir Moses Montefiore and Palestine," in *Sir Moses Montefiore, A Symposium*, ed. V. D. Lipman (Oxford, 1982). See also S. and V. D. Lipman (eds.), *A Century of Moses Montefiore* (Oxford, 1985), esp. A. Schischa's article pp. 269-346

34 See Shalom Baron, *Me-Toldot ha-Yishuv bi-Yrushalayim, Sefer Klausner* (Tel Aviv, 1937), p. 304.

"we have bought land with produce connected to the land."<sup>35</sup>

Thus, after centuries of exile, Jewish communities were once again able to perform the *mitzvah* of tithes<sup>36</sup> (*terumot* and *ma'aserot*).<sup>37</sup> The intensity of the joy in the belief that the arrival of the Messiah was imminent, coupled with the ability to perform these *mitzvot*, can be sensed in much of the *Perushi* writing of the period.

The *Perushim* believed that their most fundamental religious duty was to contribute to the rebuilding of *Erez Israel*. It was in this regard that Rabbi Israel of Shklov wrote:

"If we had been created solely to. . . [achieve]. . . the settlement of the Holy Land, that would have been sufficient for us."<sup>38</sup>

In yet another reference to the subject, he described the settlement of the land as a "fundamental" principle.<sup>39</sup>

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35 A. Ya'ari: *Shelihuto shel Rabbi Israel mi-Shklov, Sinai, Yarhon le-Torah, le-Mada u-le-Sifrut*, Rabbi J.L. HaCohen, *Yismah* ed. Year 3 Vol V (Jerusalem, 1939), p. 52 ff

36 Leviticus 27:30-33, Numbers 18:21-32.

37 *Terumot*: offerings.

*Ma'aserot*: tithes - used for the priests and the poor (see Numbers 18:21-24, Deuteronomy 14:22-26, et. alia). These were deemed inapplicable to produce grown outside of *Erez Israel*.

38 I. Warfel (Raphael) *Le-Toldot ha-Kehillah ha-Ashkenazit be-Erez Israel, Sinai* 5 (Jerusalem, 1939), p. 95.

39 Letter to Shlomo Pach, J.N.U.L, Institute for Manuscripts, 4-1468(9).



The Messiah would arrive as part of a natural process.

Rabbi Eliezer Bergman<sup>40</sup> wrote in his book of Torah commentary:

"The Messiah will come in a natural manner, where matters are executed one [step] after the other<sup>41</sup>. . . that it is the will of the Holy One, blessed be He, and may He be praised forever, to lead His entire world in a natural way. . . ."42

40 Eliezer Bergman (1799-1842) - born in Bavaria; emigrated to *Erez Israel* in 1835; intended to settle in Nablus but was persuaded by his friend Rabbi Yehoseph Schwarz to move to Jerusalem. He was an important leader within the messianic activist movement and refused initially to accept support from the *halukkah* system - an unheard of gesture in those days. Tragically, his attempts at achieving economic independence - he was involved in various business ventures - failed utterly and he was forced to receive support from *Kolel* HoD. During a journey in Germany, he contracted a severe illness and died in Berlin. See also Eliav, *Ahavat Zion*, p. 228-232.

41 Another common reference to the gradual nature of the Redemption, often used by activist theologians, was a *midrash rabbah* on the Song of Songs:

"'Who is she that looketh forth as the dawn' (Song of Songs 6:10). It is related that Rabbi Hiyya and Rabbi Simeon ben Halafta were once walking in the valley of Arbel in the early morning, and as they saw the dawn coming up, R. Hiyya Rabbah said to Rabbi Simeon ben Halafta: 'Even so shall the deliverance of Israel break forth as it is written, 'though I sit in darkness, the lord is a light unto me' (Micah 7:8). At first it comes on little by little, then it begins to sparkle, then it gathers strength, and then it spreads over the sky.'"

*Midrash Rabbah* of Song of Songs 6:10; the translation is from *Midrash Rabbah*, Song of Songs (volume IX), translated by Maurice Simon (London and Bournemouth; Soncino Press, 1951), p. 268.

*Midrash*: a method of interpreting scripture; *Midrash Rabbah* is a collection of such rabbinic interpretations.

42 E. Bergman, *Ba-Har Yira'eh*, (Jerusalem, 1977), p. 7.

In other words, the arrival of the Messiah would not be a supernatural event; rather, it would be the result of sequential and consistent human (as opposed to divine) effort such as the settlement of *Erez Israel*.<sup>43</sup>

The activist theology of the Redemption of the Jews, as expounded by Rabbi Israel of Shklov, is also to be found in his preface to the halakhic book *Taklin Hadtin*.<sup>44</sup>

Rabbi Israel describes an eight-stage redemptive process, beginning with the ingathering of the exiles, and culminating in the renewal of the service in the Temple. Between the beginning and the reincarnation, however, there is the important step of physically rebuilding Jerusalem.<sup>45</sup>

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43 Later, when Rabbi Eliezer Bergman initiated a Jewish agricultural settlement, Rabbi Israel of Shklov turned to his close friend, Zevi Hirsch Lehren of Amsterdam, and asked him for assistance in the project, despite the fact that Lehren's anti-*aliyah* and anti-activist views were well known. Lehren's response was predictable, summing up the anti-activist view in a nutshell:

"All the construction and the buying of fields and vineyards seems to us all a matter of madness." [*Iggrot ha-Pekidim ve-ha-Amarkalim*, mss. volume 8, p. 46/1.]

Lehren's concept - the traditional one - which also characterised the "passivist" school in *Erez Israel*, was that redemption would be achieved only by direct, Divine intervention, and that when it came, the world and its order would be completely overturned.

44 Rabbi Israel of Shklov, *Taklin Hadtin* (Jerusalem, 1845), preface.

45 *Iggrot*, pp. 344-345.

Rabbi Israel also referred to the discovery of the whereabouts of the Ten Lost Tribes.<sup>46</sup> Throughout Jewish history, particularly during periods of messianic fervor,<sup>47</sup> Jews have awaited the return of their long-lost brethren. There was a belief that at the End of Days the Ten Lost Tribes would finally be located and might even help usher in the messianic age militarily.<sup>48</sup> Even before messianic fervor rose to a fever pitch in *Erez Israel* and abroad, the task of locating the Ten Tribes was no longer considered a flight of fancy or a product of an overheated zealotry. Serious people and eminent scholars were drawn into the effort, investing their time and energy in the search. As

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46 Ten Lost Tribes: tradition concerning the fate of the ten tribes that constituted the Kingdom of Israel. *Erez Israel*, during biblical times, was divided into ten tribes - constituting the Kingdom of Israel, and the two tribes - of Judah and Benjamin, which constituted the southern Kingdom of Judah. Israel fell in 722 BCE and all of its inhabitants were exiled. In the *Mishnah*, Rabbi Eliezer expresses the view that the ten tribes will return. Rabbi Akiva expresses his view that "the ten tribes shall not return again" (Sanh. 10:3). Throughout the Middle Ages and until recently, there were claims of the existence of the ten lost tribes. In the 9th century, Eldad ha-Dani claimed to be a member of the tribe of Dan and recounted that he had communicated with four of the ten lost tribes. Various theories have been put forward, sometimes on extremely flimsy evidence, in the attempt to identify different peoples with the ten lost tribes.

47 For instance during the Shabbetai Zevi episode in 1665 it was claimed that the Ten Tribes were marching on Constantinople in assistance of the Messiah. See also Paul Johnson, *A History of the Jews*, (London, 1987), pp. 270 ff.

48 Around 1666, rumours were spread about the invasion of the city of Mecca by the armies of the ten tribes. See Gershon Scholem, *Shabbetai Zevi*, Vol. 2, (Tel Aviv, 1963), p. 461.

early as 1803, the community of Shklov, where Rabbi Israel was a prominent rabbi, sent a letter seeking the Lost Tribes. Rabbi Israel later described some of these searches,<sup>49</sup> and about a possible encounter with a member of the lost Tribe of Dan.

"Close on two years our emissaries have been in Yemen, and with their eyes they saw there one man from the tribe of Dan, and his name was Issakhar, and he told them the place of their [The Ten Tribes'] land and their greatness. . . and after that the man disappeared. . .  
."50

In 1830, Rabbi Israel of Shklov signed an epistle which was entrusted to an emissary, Rabbi Baruch ben Shmuel of Pinsk. Rabbi ben Shmuel's mission was no less than to find the Ten Tribes and deliver the epistle.<sup>51</sup> In the first part of the missive, Rabbi Israel related that emissaries had seen "with their own eyes" a man from the Tribe of Dan. Rabbi Israel went on to describe the activist philosophy which, by that time, had become the theologically accepted norm of the followers of the Vilna Gaon. In particular, he explained why he rejected the *issur*<sup>52</sup> based on the Three Oaths. In his epistle to the Ten Tribes, Rabbi Israel argued that in any event, even

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49 *Iggrot*, p. 348.

50 *Ibid.*

51 *Ibid.* pp. 344-359. The extensive belief in the existence and possible discovery of the Ten Tribes can be seen from a variety of sources. See *Ha-Levanon*, (1873), Issue 32; M. Ben-Israel, *Mikveh Israel*, (Shklov, 1797); Jacob Saphir, *Masa Teiman*, (Ya'ari Edition), (Jerusalem, 1951).

52 *issur* (pl. *issurim*): ban or prohibition.

"if permission is not given to all or to most to rise up over the wall to *Erez Israel*, this does not apply to individuals."<sup>53</sup>

According to Rabbi Israel, the terrible oppression visited on the Jews by the nations of the world had caused the *issur* to be nullified. Moreover, he added, the very fact that there was evidence of the existence of the Ten Tribes testified to the fact that the world had entered the phase of *ikvata de-meshiha*<sup>54</sup>.

This, he said, was based on the words of the *Zohar*<sup>55</sup> that

"at the time of *ikvot meshiha*, our brethren of the Ten Tribes will be revealed."<sup>56</sup>

Rabbi Israel also based himself on a *midrash* which notes

"the Diaspora of Judah and Benjamin will go to [the Ten Lost Tribes] to bring them so that they will be fortunate enough to see the days of the Messiah . . . ."<sup>57</sup>

Rabbi Israel then arrived at his conclusion: that he was fulfilling the prophecy of the *midrash*:

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53 Ibid.

54 *Ikvata de-Meshiha*: A figurative term, denoting the era when the very sound of the footsteps of the arriving messiah can virtually be heard.

55 *Zohar*: mystical commentary on the Pentateuch. Main textbook of the *Kabbalah*.

56 See Ibid. p. 348.

57 *Midrash Shir ha-Shirim*, (Song of Songs) 1:17.

"Behold we are sending an honest, decent, wise, perfect emissary, Rabbi Baruch Ben Shmuel from the Holy City of the Upper Galilee, who has given his soul to wander through countries, seas and deserts, may the Lord help him to come before the chair of their greatness, [i.e. the Ten Tribes]." <sup>58</sup>

Rabbi Baruch never made contact with the Ten Tribes, as in 1834, on the second of Shevat, he was murdered by the Imam of the Yemen, who shot Baruch while walking with him in the Palace Gardens because he suspected him of spying. <sup>59</sup>

The *Rishon le-Zion* <sup>60</sup>, Solomon Moses Suzin, described this mission in 1835:

"the rabbis and the sages of the Ashkenazim sent, in 1831, a trustworthy emissary from Safed to the Ten Tribes. . . the said emissary did not return as he was killed in the Yemen two years after this. However the rumours are that the said envoy found, before his death, the dwelling place of the Ten Tribes - within a 15-day-long desert trek." <sup>61</sup>

Rabbi Israel was not to be deterred. He attempted to send a second emissary, and even turned to his ideological opponent, Zevi Hirsch Lehren of the *Pekidim* and *Amarkalim* Society of Amsterdam, <sup>62</sup> for assistance. <sup>63</sup> It appears,

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58 Ibid.

59 See Rabbi J. Saphir, *Even Saphir*, (Mainz, 1866) I, pp. 93-95.

60 *Rishon le-Zion*: the title given the chief Sephardi rabbi in *Erez Israel*.

61 *Mevaseret Zion*, (Brussels, 1841), pp. 47-49.

62 Zevi Hirsch Lehren, (1784-1853), Dutch banker, communal leader and philanthropist, lived in the Hague and subsequently settled in Amsterdam. With A. Prins and S. Rubens, Lehren founded in 1809 an organization on behalf

however, that as a result of a rebellion in the Galilee during the summer of 1834, which resulted in the virtual destruction of the Jewish community in Safed<sup>64</sup>, this new attempt never materialised.

The growth of the activist theology should also be considered in the context of a widespread belief that the messianic era was to begin in the year 5600 (according to the Jewish calendar; this was 1840 according to the

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of the Jews in *Erez Israel* - the *Pekidim* and *Amarkalim* of the Holy Land. The organization was formed with the intention of reducing the heavy expenses of the emissaries sent by the Jews of *Erez Israel* to the Diaspora to collect funds. It was also to be the answer to the difficulties relating to the distribution of money between the rival groups in *Erez Israel*. Lehren strove to concentrate the collection throughout the whole of Western Europe in this one organization, which was to become a clearing bank of sorts for finance given by the Diaspora in Europe to the Jews in *Erez Israel*. The body was recognized by the rabbis in Jerusalem as the exclusive agency for collecting money on behalf of the Holy Land in 1824. In the Amsterdam community, Lehren represented the bastion of Orthodoxy, and struggled with the assimilationist views of the Amsterdam community. For his unstinting efforts on behalf of the *Erez Israel* community, he was given the title of *Nasi Erez Israel*. His brother Akiva, 1795-1876, became the president of the *Pekidim* and *Amarkalim* fund after Zevi Hirsch's death. See also Meijer, J., *Erfenis der Emancipatie; het Nderlandse Jodendom in de eerste helft van de 19de eeuw* (Amsterdam, 1963), 21-29; idem, *Moedem in Issrael; de deschiedenis van het Amsterdamse Asjkenazische Jodendom* (Amsterdam, 1964), 74-83; Y. Yellin, *Zikhront le-Ven Yerushalayim* (Jerusalem, 1924), 47-49; J. and B. Rivlin (eds.), *Iggrot ha-Pekidim ve-ha-Amarkalim me-Amsterdam* (Jerusalem, 1965), index; S. Bernfeld, *Toldot ha-Reformazyon ha Dati be-Israel* (Jerusalem, 1900); D. S. van Zuiden, *De Hoogduitsche Joden Gravenhage* (Amsterdam, 1913).

63 *Iggrot Ha-Pekidim ve-ha-Amarkalim*, manuscript, Yad Ben Zvi Archives Vol. 6, p. 62/1.

64 See Chapter 9.

Gregorian calendar). This expectation was based on a number of interpretations of Talmudic and Kabbalistic references to the arrival of the Messiah.

The primary source was a statement by Rabbi Dosa in Tractate *Sanhedrin* of the Babylonian Talmud (p. 99a) which says that the era of the Messiah will commence during the year 5600.<sup>65</sup>

The *Zohar* states:

"Knesset Israel - the Holy One, blessed be He, will raise her from the soil of the Diaspora and will remember her."<sup>66</sup>

And then refers to the year 5600 from the date of the Creation.

These two sources set the time of the commencement of the era of Redemption clearly: five thousand and six hundred years after the creation of the world. According to these

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65 The full statement of Rabbi Dosa in tractate *Sanhedrin*, p. 99a:

"'verily rejoice, the daughter of Zion, behold your king bringeth you a righteous man and a saviour, he a poor man and riding on an ass' (Zekharia Chapter 9). Rabbi Eliezer says that the days of the Messiah are forty years. . . Rabbi Dosa says four hundred years. And it is written 'they had enslaved them and tortured them for 400 years.'"

i.e. as the Talmud stated that the continuation of the existence of the world was to be 6000 years (see tractate *Sanhedrin*, p. 97), therefore the days of the Messiah would begin on the year 5600.

66 *Zohar, Perush ha-Sulam, Vayera*, first portion, 117.



sources, the time of the Salvation is not contingent on any historical event or other condition.

Regarding the description in the Zohar, Rabbi Moshe Buzaglo, one of the most respected commentators on the *Sefer ha-Zohar*, reaffirms in his book *Mikdash Melekh*: "the End is no later than the year 5600."<sup>67</sup>

Such statements had an enormous influence on the masses of Jews<sup>68</sup> who were devout in their religious observance, but often held simplistic religious ideas and lacked a profound understanding of Jewish theology and dogma. In any event, few devout Jews had any difficulty with the notion - a basic tenet of Judaism - that the arrival of the Messiah was inevitable, and they tended to interpret historical events as acts which were leading inexorably to a messianic age.

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67 *Mikdash Melekh*, first part, Genesis, p. 148-149, printed in Amsterdam, 1750.

68 See T.V. Parfitt, *Jews in Palestine*, pp. 120-121.

In the writings of Rabbi Judah Alkalai<sup>69</sup>, the year 5600 (1840) is mentioned dozens of times.

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69 Rabbi Judah Alkalai (1798-1878), Sephardi leader and visionary of modern Zionism, Alkalai was born in Bosnia and brought up in Jerusalem. For a lengthy period, Alkalai was a rabbi of Seemlin in what is now Yugoslavia. The struggle of three nations who laid claim to the town of Seemlin - Turkey, Austria and Serbia, perhaps moulded his thinking in the direction of a modern political conception of the destiny of the Jewish people. His book, *Shelom Yerushalayim*, 1840, contains an early reaction to the Damascus blood libel and discusses a Return to Zion. The united stand adopted by Jews throughout the world during the Damascus affair, and the inspiration provided by the struggle of the Serbs for their independence brought about the publication of *Minhat Judah* (1843). His interpretation in this work of the year of the Damascus blood libel - 1840 - is one of a fateful, symbolic year for the Jewish nation on the road to redemption. In his view, the libelling and the suffering of masses of Jewry took place in order to increase Jewish awareness and to unite the Jewish people so that "complacent dwellers in foreign lands" should learn the lesson provided by the Damascus affair. Relying on the Talmud, Midrash and Kabbalah and various other mystical writings, his views are expressed and repeated: namely that redemption of the Jews lies in their own hands and that supernatural intervention will come about only at a later stage. Some orthodox circles were strongly opposed to Alkalai, however he issued work after work, pamphlet after pamphlet reiterating that the settlement of Jews in *Erez Israel* was the solution to the European Jewish problem. Alkalai saw the Jewish settlement in *Erez Israel* in terms of a polity. He called for the introduction of taxes for the purpose of financing settlement, restoration of Jewish power, the revival of the Hebrew language as the spoken language of the Jewish polity, Jewish agriculture and a Jewish army. Prophetically, he suggested that Great Britain would be the great power under whose aegis these plans would be realized. One of his pamphlets, *Mevasser Tov*, also appeared in an English translation entitled *Harbinger of Good Tidings: an address to the Jewish nation on the propriety of organizing an association to promote the regaining of their Fatherland* (London, 1852). See A. Herzberg, *Zionist Idea*, 1960, pp. 32-36 and 103-7.

"If we number the twelve tribes, the salvation can come about in 5600."<sup>70</sup>

And again:

"if we do the will of the Holy One, blessed by He, we are wearing out the power of Satan and. . . the salvation shall be at the end of days, which is 5600."<sup>71</sup>

From the writings of Rabbi Alkalai, it is clear that there was a widespread belief among large sections of the Jewish people that salvation would come in 1840.

"The year 5600, as everybody has been saying for many years based on the statement of Rabbi Dosa. . . ."<sup>72</sup>

Or in another place,

"it has now been made clear, my brothers, that this [year] 5600, which has been talked about by everybody, is truth. . . ."<sup>73</sup>

Or, in his *Kunteres Kol Korei* of the year 1848,

"their eyes were all lifted to the year 5600 [1840]. . . and all the signs and the omens mentioned in the holy *Zohar*. . . they were expecting them any day."<sup>74</sup>

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70 Yitzchak Raphael, *Kitvei ha-Rav Alkalai*, volume 1, (Jerusalem, 5735), p. 78.

71 Ibid. p. 73.

72 Ibid. p. 106.

73 Ibid. p. 147.

74 Ibid. p. 147.

As the messianic fervor<sup>75</sup> gathered momentum, individuals began to describe a variety of signs and wonders which they interpreted as harbingers of the coming of the Messiah. One Rabbi Joseph Mansfeld referred to a supernatural event that occurred in Jerusalem: a vision of a *menorah*<sup>76</sup> of fire above the site of the ancient Temple. Rabbi Mansfeld did not claim to have seen this vision himself, but he quotes confidently, and without reservation or doubt, from secondary sources.<sup>77</sup>

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75 Professor Yaakov Katz states that "in all the Balkan countries, and also in countries of Eastern Europe, the idea. . . that the year 1840 is the year of salvation was very widespread." See also Y. Katz, *Mesihiyut ve-Leumiyut ba-Mishnat ha-Rav Alkalai, Shivat Zion*, Issue 4, 1956-57. See also B.Z. Dinur, "She'elat ha-Ge'ullah ve-Drakheha Biymeit Reshit ha-Haskalah", *Mifne le-Dorot*, (Jerusalem, 1972), pp. 231-354.

76 *Menorah* (lit. "candelabrum"): the seven branched lamp used in the Temple and as a symbol of Judaism (also the eight branched candelabrum used on the Hanukkah festival).

77 *Bet Halevy: Toldot Yehudei Kalisch*, (Tel-Aviv, 1965), pp. 327-328.

The *Moghrabi*<sup>78</sup> leader, Rabbi Moshe Turgeman,<sup>79</sup> expressed<sup>80</sup> a certain apprehension towards the great expectations invested in this belief in the imminent arrival of the Messiah. He voiced a growing rabbinic concern that the simple people would, if disappointed, believe that

"if the Messiah does not arrive in 1840, he will never arrive. . . quite a few live in fear of the religion of the Christians."<sup>81</sup>

He appealed to the people not to misinterpret the holy texts:<sup>82</sup>

"Do not heed lies. . . that they have imagined for themselves out of their imagination, in accordance with a

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78 *Moghrabi*: Jews who came from the *Maghreb*, i.e. Northern Africa, were called *Moghrabim* and belonged to the *Moghrabi* community which was originally a part of the *Sephardi* community.

79 Rabbi Moshe Turgeman - Little biographical detail is available regarding Turgeman. Probably born in Fez, Morocco, emigrated to *Erez Israel* in 1834. Moved to Jerusalem from Safed in 1840 where he led the *Moghrabi* community's struggle to secede from the *Sephardi* community. Later accused by the *Sephardim* of colluding with the Anglican missions. See Jacob Barnai, "*Ha-Eda ha-Ma'aravit be-Yerushalayim ba-Meah ha-Tisha Esrei*" in: *Perakim be-Toldot ha-Yishuv*, (Jerusalem, 1977), pp. 132-135. See A.H. Gagin et al. *Edut le-Israel*, (Jerusalem, 1847). See Chapter 2, below.

80 In a handwritten manuscript - "*Pi Moshe*" - to be found in the J.N.U.L.'s Institute of Manuscripts, MS no. 8-444.

81 *Pi Moshe*, section 2, p. 40a, Moshe Turgeman.

82 Other prominent rabbis in Vilna also warned against misinterpretation of sacred texts. In describing an argument on this subject between himself and others in Lithuania, Rabbi Menashe Mayiaia described those who believed in the imminent arrival of the Messiah as "those who grow in stupidity." [*Sefer Alfei Menashe*, volume 2, (Vilna, 1905), p. 8.

mistaken understanding of the language  
of the *Zohar*."<sup>83</sup>

Rabbi Turgeman was attempting to reach an uneducated, simple group of people, mainly the *Moghrabi* community which he led at the time. No doubt to dramatise his message, he claimed supernatural inspiration for his message, maintaining that his own explanation of the words of the *Zohar* was based on an interpretation of the text related to him in a dream by no less an authority than the author of the *Zohar* himself, Rabbi Simeon bar Yohai.<sup>84</sup>

"I have come to write what has been told to me by Rabbi Simeon bar Yohai. . . in a dream. . . . I dreamt that Rabbi Simeon bar Yohai was saying to me. . . I knew that Rabbi Simeon bar Yohai, it is he who speaks with me."<sup>85</sup>

Turgeman went on to offer a variety of calculations regarding the end of days. Some of these computed that the end of days was as close as the year 1845; others that salvation would take up to 50 years longer.<sup>86</sup>

In *Erez Israel*, however, Jewish Messianic expectations were being further encouraged by the conquest of *Erez Israel* by the Egyptian ruler, Muhammad Ali,<sup>87</sup> who ruled from 1832 to

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83 *Pi Moshe*, p. 1a.

84 Rabbi Simeon bar Yohai, pupil of Rabbi Akiva, lived in mid-second century CE. Tradition ascribes to him the authorship of the *Zohar*.

85 *Pi Moshe*, p. 11a.

86 *Ibid.* p. 40a.

87 Muhammad Ali (1769-1849), ruler of Egypt from 1805 to 1849. Through his stepson Ibrahim Pasha, Mohammed Ali ruled *Erez Israel*. Egyptian rule in *Erez Israel* was

1840. His regime, which was unexpectedly benign and orderly after the chaos of the Ottomans, was perceived by the Jews as further evidence that this was indeed the commencement of the messianic period. In 1834, for example, Rabbi Eliezer Bergman wrote:

"the Arab Gentiles are defeated and much humiliated, and the Jews. . . in particular the Ashkenazim have, with the help of God, achieved an important [social status]. . . . We have heard from many reliable people that, possibly from the time of our Holy Rabbi,<sup>88</sup> there has not been, may the Lord be blessed, greater peace than this for the

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characterized by the consistent enforcement of law and order and a general reduction in the anarchy endemic in *Erez Israel*. For instance, such a level of order was established that travelers from Jaffa to Jerusalem no longer had to pay taxes to the sheikhs of Abu Ghosh. Attempts were made to eradicate some bribery in the courts and institute a fair division of taxes and to avoid discrimination against the Jews in favour of the Muslims. The intervention of the European powers in 1840-41 in the Egyptian-Turkish conflict forced Ibrahim Pasha and his forces to leave *Erez Israel* and Syria, which provinces returned to Ottoman rule. See also H. Dodwell, *The Founder of Modern Egypt*, 1931; M. Zeligler, *Mediniut Europeit ba-Mizrah ha-Karov*, 1941. Ibrahim established a local council in every major city, and divided Palestine and Syria into administrative districts. He opened schools and conscripted an army of the native population. Although he ameliorated the conditions of Jews and Christians by abolishing the road tolls and by his efforts to equalize taxation among members of all religious persuasions, he left their *cizye* (poll tax) on the non-Muslim population. As is discussed elsewhere in this thesis, the *Hurvah* synagogue of Rabbi Judah he-Hasid was returned to the Ashkenazi Jews in 1836. The Jews enjoyed an unprecedented level of security of life and property. The *cizye*, previously applicable to Jews and Christians only, was now imposed on Muslims, too. See also T. V. Parfitt, *The Jews in Palestine, 1800-1882*, (London, 1987), p. 165. See Ma'oz, pp. 12-21.

88 Probably a reference to Rabbi Judah the Prince who lived in the latter half of the second and beginning of the third century C.E.; he was the redactor of the *Mishnah*.

Jews in the Holy Land. Until it is entirely possible to say that as a result of supreme loving-kindness, the beginning of the salvation has arrived, and that in our own days a saviour will speedily arrive."<sup>89</sup>

Later, Rabbi Bergman wrote<sup>90</sup>

"and in any case, the rule of the king nowadays is very good to our people, with the help of the Lord, may He be blessed, until it is no longer an exaggeration to state that as a result of supreme loving-kindness the beginning of the future salvation has arrived . . ."<sup>91</sup>

These historical events and the rise of Muhammad Ali only served to confirm the messianic expectation aroused by the interpretation of the Talmud and *Kabbalah* described earlier. At the same time the belief in the imminent arrival of the Messiah was given a powerful boost by the decision of Muhammad Ali's government<sup>92</sup> to grant the Ashkenazim the right to rebuild a synagogue on the site of the ruins of the

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89 Sila & Eliezer Bergman, *Yiseu Harim Shalom*, A. Bartura, (ed.), (Jerusalem, 1968), p. 76. My emphasis - C.K.

90 Bergman was, as described elsewhere in this thesis, forever full of encouragement for potential immigrants to *Erez Israel*. Those who were opposed to such immigration, such as Lehren of Amsterdam, dismissed both letters as propaganda. At one stage Lehren wrote from Amsterdam to a Rabbi Abraham Wexler, stating that he should not believe Bergman's tales of peace and quiet in the Land. "What Bergman wrote to you, that it would be good if you came, would that he himself had stayed abroad." Lehren encouraged Wexler to emigrate to America and promised to help him, but refused to support the possibility of emigration to *Erez Israel* (see *Iggrot ha-Pekidim ve-ha-Amarkalim*, manuscript, volume 8, p. 11b).

91 *Yiseu Harim Shalom*, p. 99. My emphasis - C.K.

92 See *Ha-Emet Me-Erez Tizmah*, 147, and also *Mi-Ginzei Kedem*, p.70



Synagogue built by the followers of Rabbi Judah Hasid, which had been destroyed a century earlier.<sup>93</sup> This was not considered a cause for mere local celebration; rather it was seen in a global context: the Holy City was being rebuilt as part of the Salvation. The very fact that a *firman*<sup>94</sup> for this endeavour had been granted was regarded as a Divine hint that Salvation was at hand. The *Perushim* joyously declared:

"if God had not wanted us, he wouldn't have shown us all this - to bring us to a state of rest and security [*menuhah* and *nahalah*]. It is a good sign of the beginning of the Salvation."<sup>95</sup>

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93 Rabbi Judah he-Hasid Halevi, (1660?-1700). A preacher with extraordinary charisma, led a return to *Erez Israel* of a group of approximately 1300 Ashkenazim, who travelled from Germany and Moravia via Turkey or Italy. Of these, approximately 500 died en route. Rabbi Judah travelled through Italy leading this group and arrived in Jerusalem on October 14, 1700. A few days after his arrival, he died suddenly. After the death of their leader, the group broke up. Over the subsequent years, some remained in Jerusalem, others returned to Europe and joined various Shabbatean groups, and still others converted to Christianity. Rabbi Judah he-Hasid's group was the first organized Ashkenazi *aliyah* to *Erez Israel*. Rabbi Judah and all his followers succeeded in buying a large plot of land in the Old City of Jerusalem which was seized by the creditors of the Ashkenazi group. These creditors, as described elsewhere in this thesis, refused to return the plot until the issue of the *firman* mentioned above. The synagogue built by the Ashkenazim in the 19th century on this plot was called *Hurvah Rabbi Yehudah he-Hasid*, (i.e. the Synagogue of the Ruin of Rabbi Judah he-Hasid) or the *Hurvah* Synagogue.

94 *Firman*: Turkish sovereign's edict.

95 Grayevski, *Mi-Ginzei Yerushalayim*, pamphlet 2. p.1.

Permission to build<sup>96</sup> the *Hurvah* Synagogue thus added to the growing popular belief that the messianic period was, indeed, within sight. Rabbi Eliezer Bergman wrote that the consensus among sections of the Jewish community in Jerusalem was "that the salvation has already begun."<sup>97</sup>

Furthermore, wrote Rabbi Bergman, on the basis of this expectation, the *Perushim* took dramatic and revolutionary action, practically unheard of in orthodox rabbinic history until that time: they changed the text of the established

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96 Rabbi Nehemiah Kahanov described the process of rebuilding the *Hurvah*:

"much have its builders laboured, many troubles have been caused to those who dealt and those who founded [it]. . . and in particular the obtaining of a licence from his majesty the Sultan regarding the building of this great synagogue. Not one year nor two have they laboured regarding this, for they have been working on this great and important matter close on forty years from the beginning until its end. . . and they have not laboured in vain. . . for the building has great honour and it is unto us a little bit like the Temple [my emphasis - C.K.]. When a Jew comes from abroad and from overseas, the first thing he does is to rush to come and see the building. . . also the Gentiles who come from far away countries visit the synagogue and enjoy the glory of its construction. . . and our brethren who live in the Diaspora have affection for the building and send, from time to time, holy vessels to glorify it. . . and only recently. . . the famous Rabbi Pinhas Rosenberg from Petersburg sent two menorot. . . ." [*Sha'alu Shelom Yerushalayim*, p. 51.]

97 *Iggrot ha-Pekidim ve-ha-Amarkalim*, manuscript, volume 8, p. 7/1.

prayer books and adapted them for the messianic period which they considered was not only imminent but actually upon them. It is impossible to overemphasize the significance (or, as it was later conceived, the enormity) of this action.

The *Perushim*, swept away on a tide of enthusiasm and certainty that the Messiah was on their doorstep, decided to omit the stanza of the Prayer book "*hitna'ari me-afar kumi*"<sup>98</sup> from the hymn of *Lekha Dodi* - a prayer welcoming the Sabbath - recited at the Sabbath eve service on Friday nights.

Furthermore, they annulled the recitation of *kinnot*<sup>99</sup> and the prayer of *tikkun hazot*<sup>100</sup> in their eagerness to assert that the Divine Presence (*Shekhinah*) had already manifested itself. This astonishing modification of holy and ancient prayers by members of the most conservative group of Jews in

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98 The text refers to future salvation and the Messiah (the son of Jesse - i.e. King David) and reads: "Shake off your dust, arise! put on your glorious garments my people and pray: 'Be near to my soul and redeem it through the son of Jesse the Bethlehemite'". Sabbath Eve Service - translation from *Daily Prayer Book: Ha-Siddur Ha-Shalem*. Trans. Philip Birnbaum, Hebrew Publishing Company, New York, 1949.

99 *Kinah* (pl. *kinnot*): poem expressing mourning and sorrow. A lamentation usually recited on the 9th of the month of Av recalling the destruction of the Temple.

100 *tikkun hazot*: *Tikkun* (literally "restitution" or "re-integration") is a mystical term denoting restoration of the correct order and true unity in the cosmos. *Hazot* means "midnight." *Tikkun hazot* refers to a ritual, traditionally held in the middle of the night, in which prayers are recited for the restoration of the world.

the world indicates the extent and power of their belief, that the messianic era had finally arrived.

However, some important rabbis in Jerusalem disagreed with the *Perushi* interpretation and with these changes of the prayer order. The destruction of Safed by earthquake<sup>101</sup>, which occurred on the 24th of Tevet 1837, demonstrated that the *menuhah* and *nahalah* mentioned earlier, were far from being achieved. In demographic terms, the destruction of Safed meant that one quarter of the Jewish population of Palestine was destroyed at a stroke.

The destruction of Safed was also viewed in apocalyptic, messianic terms. Comparisons were made between the destruction of Safed and the destruction of the Temple.<sup>102</sup>

Some Jewish thinkers blamed the destruction on those who had turned against the Three Oaths. On the other hand, Rabbi Israel of Shklov and others interpreted the catastrophe as nothing more than the fulfillment of the words of the *Mishnah* at the end of tractate *Sota*:

"in the time of *ikvot meshiha* [the footsteps of the Messiah]. the Galilee shall be destroyed."<sup>103</sup>

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101 See Chapter 9.

102 See A. M. Luncz, *Yerushalayim*, volume 9, 1871, p. 155.

103 *Iggrot Sofrim*, letter 62, p. 56.

As 1840 passed without the appearance of the Messiah, the passivists began to regain the initiative. A major passivist authority, Rabbi Aviezer of Tiktin,<sup>104</sup> wrote later that it was forbidden to attempt to hasten the End of Days;<sup>105</sup> and such attempts as had been made in the years leading up to 1840<sup>106</sup> should have been severely denounced. According to this view, the disasters that befell the *Yishuv* immediately before 1840 demonstrated Divine reluctance to be "coerced" or "cajoled".<sup>107</sup>

Rabbi Aviezer<sup>108</sup> denounced the *Perushi* concept which viewed the building of Jerusalem as a central religious goal. Far from constituting a religious act, he asserted, such acts led to a destruction of spiritual life. Rabbi Aviezer mourned and eulogized the victims of the 1834 Safed revolt, as well as those who perished in the earthquake of 1837, and the plagues of 1838 and 1839. He did not hesitate to lay the blame for these disasters on those involved in

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104 Rabbi Aviezer of Tiktin, born in the Polish village of Tikuchin. (In Jewish sources, Tiktin - in Russian, Tikotchin) - a village in the Bialystok province of Northeast Poland. Emigrated to *Erez Israel* around the year 1840. It is evident from the approvals that preface his books that he was highly regarded by the rabbinic establishment in *Erez Israel*, who entitled him "the Great Gaon" and the "Zaddik". Died in Lvov in 1852. See *Encyclopedia le-Toldot Hakhmei Erez Israel*, Yaakov Gelis, (Jerusalem, 1974).

105 *Sefer Sha'arei Zedek le-Zera Itzchak*, Rabbi Aviezer of Tiktin, (Jerusalem, 1843, p. 9a).

106 Ibid.

107 A further example was the willingness of some disillusioned Jews to return to Eastern Europe. (See Nicolaysen, 1 1936 p. 282 seq.)

108 *Sha'arei Zedek*, p. 10b.

rebuilding the Hurvah. They had, he said, invested huge sums of money in the erection of a synagogue, but, while they engaged in this building project, they damaged the economic existence of those who were devoting their time and their lives to learning Torah. The priority the activists accorded the building of synagogues was based on the mistaken idea that they were building a kind of substitute Temple. The existence of the Righteous was more important than the existence of any Temple, said Rabbi Aviezer:

"There is no holiness in trees and stones."<sup>109</sup>

Rabbi Aviezer compared the activists to the followers of Korah, who led the rebellion against Moses in the Pentateuch. Rabbi Aviezer derided the activist school as materialists who misspent their time dealing with earthly matters rather than studying Torah.

"They are people who build towns and call them by their names. . . lest they be forgotten when they die."<sup>110</sup>

And further:

"how great is the mistake of those dealing with earthly and materialistic matters. . . . We who are dealing with the work of God and His holy Torah, we are the ones who remain and exist forever."<sup>111</sup>

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<sup>109</sup> *Sha'arei Zedek*, p. 14a.

<sup>110</sup> *Ibid.* pp. 20a and 20b.

<sup>111</sup> *Ibid.*

Salvation would come through learning, not action, noted Rabbi Aviezer in his book:

"By this studying [the Torah], a man raises the *Shekhinah* from the earth. . . for it is for the sake of this study that Israel will be saved from the Diaspora.<sup>112</sup>

In the wake of these disasters which followed so closely upon first heightened, then dashed expectations of redemption, the rejuvenated "passivist" philosophy slowly but surely resumed its dominant position in the Ashkenazi community.

In 1847, the *Perushi* abolition of the prayers relating to redemption was reversed. A group of 32 *Perushim* (not including Rabbi Samuel Salant<sup>113</sup> or Rabbi Eliezer Bergman)

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<sup>112</sup> *Sha'arei Zedek*, p. 7a.

<sup>113</sup> Samuel Salant, 1816-1909. Ashkenazi Chief Rabbi of Jerusalem, born in Bialystok (Russia, now Poland). Salant studied in Vilna, Salant and Volozhin, and immigrated to *Erez Israel* in 1840. In 1841, he was appointed by the heads of *Kolel Lita* as rabbi of the Jewish community. He became Ashkenazi Chief Rabbi in 1878 and held the position until his death in 1909. During his period of leadership, the Ashkenazi community increased from 500 individuals at the time of his arrival to 30,000 at the time of his death. Salant was the founder of the *Ez Hayyim Talmud Torah and Yeshivah*, and the *Bikur Holim* hospital. He also united all the *kolelim* under one single establishment, and encouraged the establishment of Jewish quarters, such as *Me'ah She'arim*, outside the city walls. Salant lived an exemplary life of the utmost frugality, devoting himself to the needs of his community, even towards the end of his life, when he had become half blind. See Y. Gelis, *Shiv'im Shanah bi-Yrushalayim, Toldot Hayyav Shel Rabbeinu Shmuel Salant*, 1960.

signed a manifesto renewing the recitation of *tikkun hazot* in the *Hurvah*.<sup>114</sup> The way to remedy the situation and to ameliorate Jewish suffering, according to the manifesto, was to institute the continuous study of the Torah in shifts during the night and day and to recite *tikkun hazot*.

This passivist revival is confirmed in a letter written in the 1860's by Rabbi Meir Auerbach<sup>115</sup> to Rabbi Zevi Hirsch Kalischer. Rabbi Auerbach opposed Rabbi Kalischer's stated philosophy that the settlement of *Erez Israel* was the best means for achieving Salvation. Rabbi Auerbach made pointed reference to the failure of the followers of the Gaon of Vilna - such as Rabbi Israel of Shklov and his followers - who tried to advance the moment of salvation, in the same way as proposed by Rabbi Kalischer, and he wrote

"This is not the way to get to where we wish to get, and we should not be, Heaven forbid. . . like those who thought and made a mistake, although some of them had good intentions. . . and the matter causes. . . the weakening, Heaven forbid, of the Faith in the true saviour."<sup>116</sup>

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114 Grayevski, *Mi-Ginzei Yerushalayim*, 13, 1933, p. 3.

115 Rabbi Meir ben Isaac Auerbach, (1815-1878), eminent Jerusalem rabbi, born in Dobra, Central Poland, served as rabbi of the Polish town of Kalisch (Kalisz), hence his appellation "the Kalischer Rav". Emigrated to *Erez Israel* in 1860, elected rabbi of the Ashkenazi congregation at the request of Samuel Salant. He refused to accept a salary and lived on the great wealth he had brought with him. He was a founding member of the *Me'ah She'arim* quarter, and a vigilant defender of tradition. He wrote several rabbinic works. See also, I. Y. Frankl (ed.), *Sefer Lintshiz* (Jerusalem, 1953), pp. 79-86.

116 *Ha-Levanon*, year 1, volume 8, 19 Elul 1862 (5623).



Rabbi Jacob Saphir's<sup>117</sup> public letter to Rabbi Judah Alkalai also countered the ideological arguments favouring settlement of the Land of Israel as a means of bringing about the Redemption:

"If God shall not build a house, the builders have toiled in vain. And God frustrated the actions of [the emissary Rabbi Baruch to the ten tribes]. . . . It is in vain that they [the activists] labor before the time has arrived."<sup>118</sup>

Between the 1860's and the 1880's the leadership of the *Perushim* sought to play down the history of *Perushi* Messianic expectations immediately before 1840. The apostasy<sup>119</sup> of a few members of the community who converted

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117 Rabbi Jacob Saphir (1822-1885), rabbi, writer and traveller. Born in Oshmiany, in the Vilna province. His family belonged to the *Perushim* in Vilna, and his parents immigrated to *Erez Israel* in 1832. In 1836, Saphir left for Jerusalem with the members of the *Perushi* community in the face of the pogrom perpetrated on the Jewish population of Safed. Saphir was a rabbi officiating at the Jerusalem *Ez Hayyim Talmud Torah*. Saphir was the first to discover Yemenite Jewry in all its glory, and he travelled extensively in Yemen. He maintained this interest in Yemenite Jewry, and in 1873, upon learning of an imposter who appeared as a pseudo-messiah in Yemen, he wrote *Iggeret Teiman ha-Sheinit* ("Second Epistle to Yemen"), warning the Jews of Yemen to beware of the false Messiah. In 1883 to 1885, he promoted the publication of "*Hemdut ha-Yamim*" (The Most Delightful of Days) of Rabbi Shalom Sharabi, the most prominent of the Yemenite poets, and wrote a forward to it. See J. J. Rivlin, *Moznayim*, 11, 1940, pp. 74-81, pp. 385-399.

118 J. Saphir, *Masa Teiman*, Ya'ari edition (Jerusalem, 1945).

119 Several apostasies to Christianity took place. The most dramatic was that of Rabbi Eliezer Luria, scion of a prominent *Perushi* family, and his friend, Benjamin Goldberg. These events were hailed by missionary groups as the commencement of a mass movement among the Jews

to Christianity in the overheated atmosphere of the period leading to 1840, and the messianic crisis in general, were quietly but firmly swept under the carpet. The *Perushim* and many other fundamentalist activists returned to the old, safe and time-honoured conception whereby Jews are to passively await the arrival of a supernatural and miraculous Redemption.

One of the leaders of the Kolel HoD,<sup>120</sup> Rabbi Nahman Nathan Coronel<sup>121</sup>, described the theological dispute in a previously unpublished manuscript.<sup>122</sup> According to Rabbi Coronel, those viewing the settlement and development of *Erez Israel* as a national/religious goal were in the minority. He and others were convinced that such settlement would be impossible to achieve by simply manipulating the natural order of things: Divine intervention was a *sine qua non*. The *Yishuv* of *Erez Israel* was not to be affected by the deeds and actions of ordinary people; rather, it was to

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towards the adoption of the Christian faith. The *Perushim* interpreted these events as a divine warning that they had grossly erred in their ways and that the activist philosophy was not acceptable to the Lord. See below, Chapter 2.

120 Kolel HoD - Holland and Deutschland. A kolel set up by immigrants to *Erez Israel* from Germany and Holland. Also known as *Deutsch-Holländische Gemeinde*. See Eliav, *Ahavat Zion*, pp. 241-265; see Gat, p. 106 and pp. 118-119.

121 Rabbi Nahman Nathan Coronel (1810-1890), rabbi, scholar and bibliographer. Born in Amsterdam and immigrated at the age of 20 to *Erez Israel*. Moved from Safed to Jerusalem in 1837 and became active in communal affairs. See Eliav, *Ahavat Zion*, p. 249.

122 J.N.U.L., The Institute for Photographed Manuscripts, microfilm no. 29459.

be achieved exclusively through a miraculous and supernatural means:

"in my opinion, this Yishuv will be a devastation forever, as long as the order of the rule of the kingdom of Ishmael will not be changed, and until the Lord, blessed be He, agrees [to such a salvation]."123

But not all the members of the HoD *kolel* agreed. This is made evident when Coronel refers to one such dissenter:

"in spite of the fact that he - Rabbi Isaac Rosental - is from the sect of those seeking the Yishuv of the Holy Land."124

The basic passivist motto was

"If God shall not build a house, the builders have toiled in vain."125

Despite the general disapproval of mainstream rabbinical authority in the 1850's and 1860's, the activist ideology did not die out. It is important to note that, in spite of the dominant passivist ideology, the 1860's were years of expansion for Jewish Jerusalem, including the construction of Jewish neighbourhoods outside the city walls. It is also true, however that these new neighbourhoods were built through the initiative of individuals who, on the whole,

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123 Ibid. (My emphasis - C.K.)

124 Ibid.

125 See J. Saphir, *Masa Teiman*, Ya'ari edition (Jerusalem, 1945).

acted alone, including Rabbi Joseph Rivlin<sup>126</sup> and Rabbi Joel Moses Salomon. In stark contrast to the passionate activism of the founders of the *Perushi kolel*, the *Perushi* leadership did not back these initiatives, and generally speaking this construction was made possible through the personal and financial sacrifice of those concerned.<sup>127</sup>

However, the activist movement, even without the support of the important *Perushi* community, persisted in promoting the activist ideology. As stated earlier, the activist leader Rabbi Akiva Joseph Schlesinger published, in 1873, a treatise that was nothing less than a blueprint for establishing a Jewish polity in *Erez Israel*. The treatise combines halakhic and philosophical analyses of the situation

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126 Joseph Rivlin was known (in Yiddish) as *Yoseph der Shteitel Macher* ("Joseph the City Builder").

127 In 1867, Rabbi M.N. Kahanov described the stirring sight of the growing city of Jerusalem with its new Jewish suburbs:

"how pleasant is this wonderful sight in the eyes of the person who wanders outside at night. . . and who stands on the hill which is not far from the buildings. . . of the great Russian government, which is the highest place in all of the Holy City. . . [This refers to *Rehov ha-Nevi'im* ("The Street of the Prophets"), which is just above the Russian compound] and the many sparkles of light, like stars, his eyes will see from all directions, whether he turns north or south. . . from the clear windows of the houses of the building plots. . . how joyous we are that we have merited all this during our lifetime!" [*Sha'alu Shelom Yerushalayim*, p. 106.]

See also Gat, p. 285-303 for history of Jerusalem suburbs.

of world Jewry with practical proposals, the former providing a coherent framework for the latter. The book's title may be translated "The Society for the Restoration of Things to their Former Glory." The book expounds Rabbi Schlesinger's plan of establishing a worldwide association which would consolidate religious Jewry, set up a network schools, and educate Jewish children in a religious spirit. The association's center would be Jerusalem and its aim would be the establishment of a Jewish polity living off the fruits of its own labor and under the guidance of the Torah. The work discusses in some detail tax collection, agricultural settlements, the establishment of a Jewish militia, and the revival of the Hebrew language.

Schlesinger wrote the book both as a halakhic defense of his activist ideals and as a practical handbook for achieving activist goals. He wanted as wide a circulation as possible for the book in order to reach the masses of religious Jewry.

"It is incumbent to publish, to translate (this book) as far as possible in every required language and to disseminate it among Israel. . . and every *talmid hakham*<sup>128</sup> is duty bound to translate and to explain to the masses of the people of God."<sup>129</sup>

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128 *Talmid hakham*, (pl. *Talmidei hakhamim*): lit. "students of sages" - i.e. Torah scholars.

129 *Sefer Hevra Mahzirei Atara le-Yoshna*. Originally printed in Jerusalem, 1873; later reprinted in Jerusalem, 1956. Preface p. 1.

Schlesinger countered many of the passivist arguments against any activist course of action. One of the most frequent passivist complaints was that activism would lead to *bittul Torah*,<sup>130</sup> i.e. Torah studies would be neglected in favor of trade and commerce. Schlesinger responded by quoting the Talmud<sup>131</sup>, where it says that a person must teach his son a trade. He derided those that claimed that there should be no teaching of trades to the younger generation.

"Torah that has with it no trade. . . results in sin, Heaven forfend, and experience has proved to us in this generation how much this causes sin, for all those who have come to us [with the ideology] of the annulment of work and trade, in the end they made the Torah as a tool. . . in order to bring sustenance to their house. Most of the *talmidei hakhamim* in this generation are dependent on other people. . . . and inasmuch as a person is dependent on other people, he "changes his face" [inverted commas in the original], and as it has already been stated, poverty in the house of a person is worse than fifty plagues. . . and poverty can make a man act against the wishes of his Maker."<sup>132</sup>

Schlesinger suggested a reversion to the

"ways of the *tannaim*, the founders of the Talmud, who were all possessors of crafts, and who said 'great is labour that honors the labourer' and 'Torah is

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130 Literally: "annulment of Torah."

131 Babylonian Talmud, Tractate *Kiddushin*, p. 31.

132 Schlesinger, *Sefer Hevra Mahzirei Atara le-Yoshna*, p. 2b.

goodly if combined with *derekh erez* [the ways of the world]."<sup>133</sup>

Although a few of his arguments are similar to those of the *Haskalah* movement,<sup>134</sup> Rabbi Schlesinger had no sympathy for such a secularist heresy. Indeed, Schlesinger was party to the most orthodox school of thought in contemporary Judaism. He epitomized an intrinsically Jewish fundamentalist view combined with a fervent activist ideology. Such beliefs in many ways typified the early followers of the Gaon of Vilna, who settled in *Erez Israel* at the beginning of the nineteenth century and were Schlesinger's intellectual forbears (this is described more thoroughly below.) Schlesinger made clear that his ideology was not to

"give up an iota of Torah, Heaven forfend, nor to desert. . . any of the customs of Judaism. . . ."<sup>135</sup>

A little later, he says

"we will defend it [the Torah] with our lives, and as we have received this Torah from our fathers, naturally we will have our children and our children's' children inherit it without any change, Heaven forfend."<sup>136</sup>

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133 Ibid.

134 *Haskalah* (lit. - "enlightenment"): A movement for the spread of modern European culture among Jews, active approx. 1750 to 1880. This movement was rejected by most orthodox Jews, who saw it as a threat to the Jewish religion.

135 Schlesinger, *Sefer Hevra Mahzirei Atara le-Yoshna*, p. 6a.

136 Ibid. p. 7a.

Schlesinger proposed an educational structure which would instruct the youth with Torah and with Jewish learning:

"From five years old [a child] will study Pentateuch. . . from ten years old he will begin to study. . . the *Mishnah*. At fifteen years old, he will begin the study of the Talmud. . . until he reaches the age of eighteen whence he will marry, and he will study also after the marriage for no less than three consecutive years. . . and after this, he will be free to go into a business or into trade and he will set a time to study the Torah in such a way that the Torah will remain his main interest and his work will be tangential."<sup>137</sup>

As an activist, Schlesinger disapproved of *Erez Israel's* permanent dependence upon *halukkah*<sup>138</sup> charity. He suggested acceptable trades for *Erez Israel's* Jews, referring particularly to pharmacy and medicine. He also approved of more lowly work, such as that of a machinist.<sup>139</sup> Naturally, he thought the ritually related trades, such as slaughterers, teachers and scribes, acceptable.<sup>140</sup> He further stated

"agriculture is also a trade which will be taught to all those who require it, in particular as in *Erez Israel* [it is

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<sup>137</sup> Ibid. p. 8a.

<sup>138</sup> *Halukkah* (lit. "distribution"): Charity system which financed the continuing Jewish presence in *Erez Israel* through collections from the Jewish communities in the Diaspora. An individual in *Erez Israel* received his portion of the *halukkah* from the *kolel* - communal organization - to which he belonged.

<sup>139</sup> Schlesinger, *Sefer Hevra Mahzirei Atara le-Yoshna*, p. 9a.

<sup>140</sup> Ibid. p. 9b.



required] for the purpose of settlement of the land."<sup>141</sup>

Schlesinger envisioned Jerusalem as the capital of this polity.

"Each tribe will have a representative in Jerusalem, and these representatives will choose one president. Voting will be free to all."<sup>142</sup>

Schlesinger proposed a taxation system which would tax house building or house purchases at the rate of five percent of the value of the property.<sup>143</sup> A seller of a "house or estate or vineyard" was to be taxed at the rate of one percent.<sup>144</sup>

There would be a one percent death duty. There would also be taxes on dowries and on presents given to a newly married couple.<sup>145</sup> There would be a purchase tax on most consumer items at the rate of five percent. Gold, silver and diamonds would be taxed at ten percent. Schlesinger recognized that there should be no taxation without representation, and he stated

"there shall be no collection of money whatsoever. . . and everything that I write here is. . . in the form of advice only, and is not to be applied until all

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141 Ibid.

142 Ibid. p. 10a.

143 Ibid. p. 10b.

144 Ibid.

145 Ibid.

these matters have been clarified before a General Assembly."<sup>146</sup>

This Assembly would be elected democratically

"Each thousand people will elect three persons who will be sent to Jerusalem and who will sit there in this aforementioned Assembly."<sup>147</sup>

Rabbi Schlesinger recommended that delegates be "aware of the ways of the world,"<sup>148</sup> i.e. the post was not to be reserved for detached scholars. Schlesinger placed the greatest importance on a candidate's honesty towards his constituency and said that

"experience has shown us that many times, he who would be a delegate has flattered and has stolen the heart of the community, and after he has been elected, has done what he wishes."<sup>149</sup>

In Schlesinger's proposed Assembly, a delegate could not act against his constituents' wishes. If he wished to act against what had been agreed with the voters, he would have to obtain their approval by letter or by telegraph.<sup>150</sup>

The Assembly was also the concern of Diaspora Jewry, and Rabbi Schlesinger proposed that

"the commencement of the gathering of the General Assembly would always be on

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146 Ibid. p. 11a.

147 Ibid. p. 28a.

148 Ibid. p. 28b.

149 Ibid.

150 Ibid.

a Tuesday, and prior to this, on Sunday, they and their brethren in the Diaspora shall pray that the Lord will guide them in the right way and that they will be successful. On Tuesday, after [the session of the Assembly], at midnight, they will go to the Western Wall and say there *tikkun hazot* and after that all of the Book of Psalms and. . . will blow the *shofar*."<sup>151</sup>

There was to be a flag for the new polity, which was to be of four colours: white, green, purple and azure.<sup>152</sup> Each tribe was also to have its own flag, the design of which was to be drawn from biblical texts. So:

"the tribe of Reuben would have its own red flag, on which there will be [a design of] mandrakes. . . Judah will have an azure flag, on which there will be a design of a lion. Issakhar will have a blue-black flag, on which will be drawn the sun and the moon. Zebulun will have a white flag, on which will be drawn a ship. Dan will have a flag,<sup>153</sup> on which is the design of a snake."<sup>153</sup>

and so on. The president was to be elected by the General Assembly, and was to have his permanent seat in Jerusalem.<sup>154</sup> The president would have to be of the royal tribe of Judah, a clear sign of the regal status<sup>155</sup> of his office.<sup>156</sup>

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151 Schlesinger, *Sefer Hevra Mahzirei Atara le-Yoshna*, p. 28b. *Shofar*: the horn of a ram (or of another ritually pure animal), sounded on Rosh Hashana and other important occasions.

152 Ibid. p. 27a.

153 Ibid. p. 29a.

154 Ibid. p. 29a.

155 Ibid. p. 29a.

156 Rabbi Schlesinger was careful not to offend the Turkish authorities. Wherever necessary, he disclaimed any intention of acting against the authority of the

Rabbi Schlesinger's stated goal was the settlement of *Erez Israel*:

"and from now we will come. . . to inform all as to why we have a duty to make an effort with regards to the *mitzvah* of the settlement of the Land."<sup>157</sup>

Schlesinger turned to the Diaspora and, prophetically, advised that the *mitzvah* of the settlement of the Land is important to Jews outside of *Erez Israel*:

"for themselves, in order to prepare a place of refuge for them or for their descendents."<sup>158</sup>

Schlesinger proposed

"to settle all of *Erez Israel* by [the establishment of] association after association of people each [of whom] will be given a house and an estate sufficient for their sustenance by agricultural work and [the work] of fields, vineyards and so on."<sup>159</sup>

Schlesinger proposed that the rebuilding of *Erez Israel* be financed in the same way as other major projects throughout the world, such as the construction of the railways. This

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"government, may its majesty increase. . . ", but his proposals, particularly the establishment of a militia and of an elected parliamentary body with a president at its head, implied a degree of independence from the Turkish Empire.

157 Schlesinger, *Sefer Hevra Mahzirei Atara le-Yoshna*, p. 28a.

158 Ibid. p. 24a.

159 Ibid. p. 24b.

would involve the issuing of share issues and other obligatory notes. There would also be a worldwide lottery, which would help to underwrite the new polity in *Erez Israel*.<sup>160</sup> Rabbi Schlesinger struck a nationalist note when he stated that the various notes and shares would have to be printed solely in Hebrew, as they would be traded throughout the big banks of the world, for

"our people shall not be ashamed forever, who are no less than the Rumanians or Hungarians. . . who are strict about their language and their country. We are, too, and this will be a response to those. . . who are ashamed to even speak in Yiddish."<sup>161</sup>

Rabbi Schlesinger suggested that agriculturalists be protected against the vagaries of weather by the institution of an insurance company, which would be underwritten either locally or by insurance companies abroad.<sup>162</sup> He further suggested a form of National Insurance which would enable impoverished families to obtain dowries for their children when required. Each person would be obligated to contribute for his own children, and those who couldn't afford to pay would have their contributions paid by the community.<sup>163</sup>

Rabbi Schlesinger further proposed the establishment of an armed militia, which would comprise approximately ten

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160 Ibid.

161 Ibid. pp. 24b-25a.

162 Ibid. p. 26a.

163 Ibid. p. 31b.

percent of the population.<sup>164</sup> This, in his opinion, would be particularly required in the newly settled parts of the wilder areas of *Erez Israel*. Schlesinger advised that the militia be divided along ethnic lines, and that each unit or division be a concentration either of Ashkenazim or of Sephardim. There would be an urban division, whose responsibility would be to guard the cities, and a country division, whose responsibility would be to look after the agricultural assets of the community.<sup>165</sup>

The treatise went into some detail about the organisational aspects of the society that was to arise in *Erez Israel*. Order was to reign supreme down to the last detail; for example, houses were to be numbered consecutively so that they would easily be locatable. The head of every region would be obligated to ensure that there would be all the necessary facilities in his area: a pharmacy, a doctor, a midwife, a shoemaker, a tailor, an ironmonger, a grocery, and a postal service.

Each city or village was to have a market day on Thursday or Friday.<sup>166</sup> A Jewish shipping company was to be established, and ships were to be run on the Alexandria-Jaffa and Beirut-HHaifa routes, ready to take Jews to *Erez Israel*, and flying the white, green, purple and azure flag. A further

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164 Ibid. p. 26b.

165 Ibid.

166 Ibid. p. 27a.

nationalist note was sounded by the insistence of Rabbi Schlesinger that *Erez Israel* would be run according to Jewish mores and customs. Names would be Hebraized, "so a person will be called Aharon and not Adolf, etc."<sup>167</sup> The clothes worn in *Erez Israel* were to be a subject of research, but "until it is clarified unto us what were the clothes which were [worn in] Judea and Israel of yore," everyone would wear the clothes that had been set by accepted custom by his forefathers, so that a Polish Jew would wear a *shtreimel*,<sup>168</sup> and Jews from other communities would wear the traditional Jewish clothing peculiar to their place of origin.<sup>169</sup>

Schlesinger's ideas aroused much anger, in particular from the leadership of *Kolel Ungar*, the *kolel* of Hungarian Jewry. Schlesinger was seen as a dangerous insurgent attempting to undermine their influence with their members - which was based on their control over the *halukkah* system Schlesinger disdained. The leadership of *Kolel Ungar* eventually required all those who sought a share of the *halukkah* to sign a statement denouncing Rabbi Schlesinger. Many people - including Rabbi Joshua Stamper, one of the founders of *Petah Tikvah* - refused to sign.<sup>170</sup>

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167 Ibid. p. 32a.

168 *Shtreimel* (Yiddish): The fur-trimmed hat commonly worn by Polish Jews.

169 Ibid.

170 *Sefer Meah Shanah*, Isaac Trivacks and Eliezer Steinman, (Tel Aviv, 1938), p. 394-398.

Rabbi Judah Alkalai, who had returned to *Erez Israel* in 1871, declared:

"the goal of our activity shall be the Settlement of the Land. . . we will fulfill His will to settle our desolate country and return the Divine Presence to Zion. . . ."171

Like Rabbi Schlesinger, Rabbi Alkalai sounded a political note referring to a treatise written by Rabbi Nathan Shapiro of Cracow named *Megalei Amukot*<sup>172</sup>, wherein the author states:

"Moses requested the Lord that Israel should have two leaders, one who would go out and who would bring for them all material matters - matters of Statecraft - and one. . . [relating] to Godly and spiritual matters."173

This was a further indication that the activists of the *Yishuv* had aims which transcended the goal of merely improving the commercial and economic condition of the Jews. It indicated that the growth of the Jewish population, and the expansion of Jewish towns and settlements, also had a long-term political complexion - one which involved "matters of Statecraft"<sup>174</sup>.

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171 J.H. Alkalai, public letter; *Havazelet*, Year 1, issue 20 (1871). See also B. Dinbourg, *Sefer ha-Shanah Shel Erez Israel*, (Tel Aviv, 1923), p. 471.

172 Rabbi Nathan Shapiro, *Megalei Amukot*, (Cracow, 1637).

173 J.H. Alkalai, public letter; *Havazelet*, Year 1, issue 20 (1871). See also B. Dinbourg, *Sefer Ha-Shanah Shel Erez Israel*, (Tel Aviv, 1923), p. 471. (My emphasis - C.K.)

174 Alkalai had a political plan similar to Schlesinger's which talked of a General Assembly, the right of Jews to emigrate to *Erez Israel*, the revival of the Hebrew language - even the right of freedom of religion was to



Rabbi Judah Alkalai's attempt to establish a society aimed at the settlement of *Erez Israel*<sup>175</sup> won the support of the leaders of the Sephardi community, and even of some Ashkenazim. However, as related earlier, Rabbi Meir Auerbach, a dominant Ashkenazi figure, was emphatically opposed to any such endeavour. Despite Auerbach's opposition, Rabbi Zevi Hirsch Kalischer addressed an appeal to the *Hakham Bashi*,<sup>176</sup> Rabbi Hayyim David Hazzan,<sup>177</sup> to

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be protected. However, his plans were scattered throughout his works and not presented in a consolidated manner, as were Schlesinger's plans. Also, his vision was more vague and more mystical than Schlesinger's. See B. Dinbourg, "*Tokhnito ha-Medinit Shel ha-Rav Y. Alkalai*", *Sefer Ha-Shanah Shel Erez Israel*, (Tel-Aviv, 1923).

175 J.H. Alkalai, public letter; *Havazelet*, Year 1, issue 20 (1871). See also B. Dinbourg, *Sefer ha-Shanah Shel Erez Israel*, (Tel Aviv, 1923), p. 471.

176 *Hakham Bashi*: title composed of the Hebrew word "*hakham*" (sage), and the Turkish word "*bashi*" (head or chief). Given title of the Chief Rabbi in the Ottoman Empire. The first office given the title of *Hakham Bashi* was established in Constantinople in 1836. The *Hakham Bashi* was given powers as a representative of the Turkish Empire, and within his area of jurisdiction, was a supreme authority of all religious matters. He had the authority from the Ottoman authorities to ban and excommunicate offenders and even to prohibit their religious burial. The *Hakham Bashi*'s person and residence enjoyed diplomatic immunity. Any dispute between himself and local Muslim authorities would be settled by the supreme authorities of the Empire in Constantinople. Local *Hakham Bashis*, such as the one in Jerusalem, were appointed upon the recommendation of the *Hakham Bashi* of Constantinople, who was thus effectively the Chief Rabbi of the entire Ottoman Empire. Appointment as *Hakham Bashi*, particularly in Turkey, did not mean that the holder of the office was of particular rabbinic eminence, but in Jerusalem, the appointees to the post were generally scholars and eminent rabbis. The first *Hakham Bashi* in Jerusalem was appointed by Imperial firman in 1841. He also used the title *Rishon le-Zion*, which was a title given to the Sephardi Chief Rabbi of Jerusalem. The first scholar to use this title

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was apparently Moses ben Jonathan Galante, 1620-1689. The title emanated from the text in Isaiah 41:27. The title *Hakham Bashi* is still in use in the Turkish Republic, which has in Constantinople the largest Jewish community of the territories which once belonged to the Empire (excluding Israel).

One direct result of the changes in the status of Jerusalem was the appointment of a *Hakham Bashi* (chief rabbi) of Palestine, whose seat was in Jerusalem. In his *Jerusalem* (1892) Luncz points out the reason for this appointment:

"In the year 1840 (!) the government saw fit to elevate the holy city Jerusalem to the status of a district town and to place in it a pasha who in the course of his duties would govern its inhabitants and the inhabitants of the towns surrounding it, and by means of this elevation in its political status, the Jews gained the right to appoint a chief rabbi authorized by the government as a *Hakham Bashi*. . . . The leaders and elders of the community then realized that for the welfare and peace of their community, which had begun to spread and increase, it was necessary that the rabbi heading it should be authorized by the exalted government, so that he might be capable of standing in the breach and legally defending the rights of his community. And through the efforts of the minister Abraham di Camondo of blessed memory, who knew the aforementioned rabbi (Abraham Hayyim Gagin) and esteemed him greatly, this aim was realized, and shortly after his appointment he received the statement (*firman*) of the king confirming him for the position, and he was the first *Hakham Bashi* of Palestine" (p. 210).

- 177 Rabbi Hayyim David Hazzan (1790-1869), grandson of the author of *Hikrei Lev*, which is discussed elsewhere in this thesis, born in Smyrna. In 1840, Hazzan was appointed rabbi in Smyrna. He immigrated to *Erez Israel* in 1855, and was appointed *Rishon le-Zion* in 1861, succeeding Hayyim Nissim Abulafia. He wrote a book regarding the laws of *shehita*, *Torat Zevah*, (Salonika 1852). He also wrote *Nediv Lev* (2 parts), (Salonika and Jerusalem, 1862-1866); *Responsa "Ikar Lev"* and *"Ishrei Lev"*, 1868, 1870. See M.D. Gaon, *Yehudei ha-Mizrah be-Erez Israel*, II, (Jerusalem, 1937), pp. 245-253.]

seek the agreement of the rabbis in Palestine for the Alkalai project. Rabbi Hazzan, in a *Responsa*<sup>178</sup> work was supportive:

"I, the *Rishon le-Zion*, do sign in the name of all the sages and the rabbis and the *geonim* of the Sephardim. . . throughout the Holy Land as it has been made clear to me that they agree [to the Alkalai project] with all their hearts. There is not even one of them who did not agree to this great and holy matter."<sup>179</sup>

In a treatise entitled *Sefer Hossen Yeshuot*,<sup>180</sup> there is a *haskamah*<sup>181</sup> of the rabbis of Hebron, Rabbi Elijah Suleiman

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178 *Responsa* is the Latin term for the Hebrew *She'elot u-Teshuvot* (literally "queries and replies"). This term denotes an exchange of letters, in which one party consults another on a halakhic matter. This exchange of letters is normally between rabbis. Such *responsa* are found as early as the period of the Babylonian Talmud. In one case, the Talmud recounts an enquiry relating to a halakhic practice that had been sent to the father of the great Talmudist, Samuel (*BT Yevamot* 105a). In another place, the Talmud (*Sanhedrin* 29a) talks of a litigant who claimed that he could bring a letter from *Erez Israel* which would support his view - the allusion being to a written "*responsum*" obtained by presenting the facts of the case before a respondent in a distant locality. The *responsa* have always been considered a prime source of Jewish historical material, and since the beginning of modern Jewish historiography, the *responsa* literature has been drawn upon for this purpose. Many important works have been written based on *responsa*. Some examples are: I. Epstein, *The Responsa of Rabbi Solomon ben Adreth of Barcelona . . . as a Source of the History of Spain*, 1925; Epstein, *The Responsa of Rabbi Simon ben Zemah of Duran as a Source of the History of the Jews of North Africa*, 1930; A. M. Hershman, *Rabbi Isaac ben Sheshet Perfit and His Times*, 1943; S. Eidelberg, *Jewish Life in Austria in the 15th Century as reflected in the Hebrew writing of Rabbi Isserlein and his Contemporaries*, 1962.

179 *Ha-Levanon*, Sivan 5625 (1865), volume 12, p. 179.

180 (Jerusalem, 1879), p. 1.

181 *haskamah* (literally "agreement"): rabbinical approbation or agreement sought by an author from

Mani<sup>182</sup>, Rabbi Isaac Raphael Zeevi, Rabbi Rahamim Joseph Franco<sup>183</sup> and others. The *haskamah* includes a passionate plea:

"let us call in a loud voice in order. .  
. that they will bring about this  
sublime idea. . . [and may] build. . .  
next to the Western Wall. . . the cities  
of Judea shall be built. . . ."184

Rabbi Elijah ben Suleiman Mani was a very active proponent of the resettlement of *Erez Israel*. He was personally

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eminent rabbis. The approbation or agreement is usually published at the front of the work. The *haskamot* are usually composed in a variety of nuances indicating to the possible reader the value of the material contained therein.

182 Elijah ben Suleiman Mani (1818-1899), born in Baghdad, immigrated to *Erez Israel* in 1856, first to Jerusalem. In 1858, he moved to Hebron, wherein he played a prominent role in the development of the Jewish community there. Appointed Chief Rabbi of Hebron in 1865 and retained the post until his death. He was reported to be an unassuming and generous man, but was outspoken and adamant in matters of religious observance. Travelled extensively on behalf on the Hebron community in India - 1873, Egypt - 1872 and 1878, Baghdad - 1880. The Hebron community was split in a fierce argument that broke out between Rabbi Elijah and two members of the community, Mercado Romano and Rabbi Rahamim Joseph Franco. In the end, Rabbi Elijah's views prevailed. He wrote several books: *Zikhronot Elijah*, which was published in Jerusalem in 1936 and 1938 in two parts; *Karnot Zaddik*, Baghdad, 1867; his *responsa* were published also in the writing of other contemporary rabbinic scholars. See M. Mani, *Rabbi Elijah Mani*, (Tel Aviv, 1963); also O. Avisal (ed.), *Sefer Hevron* (1971), pp. 100-107.

183 Rabbi Rahamim Josef Franco was known as the *HARIF* (an acronym of his name meaning literally "the Sharp", or less literally, "the Brilliant". He came to live in Jerusalem in 1868, and from 1878 served as the rabbi of Hebron until his death in 1901.

184 *Sefer Hossen Yeshuot*, (Jerusalem, 1879), *Haskamot* section.

involved in purchasing land for the settlement of Jews. He wrote a letter to Sir Moses Montefiore in the year 1875:

"His Majesty, the King, has given permission to sell, in a public auction, one village near to Hebron. Its name is Zanaan, which is mentioned in Joshua, chapter 15, in the portion of Judea, and it is the Zaanan mentioned in Micah, chapter 1. . . and the area of this place is 4,000 *dulam* [*sic*],<sup>185</sup> and every *dulam* is 40 *ama* wide. . . and as is known to all that you desire the good of Israel and that your wish and your desire is in the resettlement of the Holy Land, I said to myself, I should tell you how. . . you could buy it."<sup>186</sup>

In 1882, an altered version of the Passover Haggadah was printed by the Frumkin Press.<sup>121</sup><sup>187</sup> On page 13, a hymn normally chanted during the Seder of the Passover was adapted to the new situation:

"therefore we are obliged to thank, to praise, to glorify . . . the writers discussing the settlement of *Erez Israel*."<sup>188</sup>

However, an anti-"activist" counter-manifesto written in the same year demonstrated the extent of opposition to the ideal of settling *Erez Israel* and to the productivization of the

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185 The meaning here is *dunam* - one *dunam* is approximately a quarter of an acre.

186 Rabbi Zevi Grayevski, *Mi-Ginzei Yerushalayim*, vol. 2, Jerusalem. See also *Sefer Hevron: Ir ha-Avot ve-Yishuva be-Rei ha-Dorot*, Oded Avishar, ed., Jerusalem, 1970, p. 103.

187 *Seder Haggadah Hadasha*, Frumkin Press (Jerusalem, 1882), p. 13.

188 *Ibid.* p. 13.

*Yishuv*. This manifesto<sup>189</sup> was signed<sup>190</sup> by Rabbi Abraham Ashkenazi,<sup>191</sup> Rabbi Moses Pardo,<sup>192</sup> Rabbi Jacob Saul Elyashar<sup>193</sup> and many other eminent rabbis of Jerusalem,

189 *Kineiti li-Yrushalayim u-le-Zion*, (Jerusalem, 1862).

190 For some reason, Rabbi Ashkenazi's signature appears twice on this manifesto.

191 Rabbi Abraham Ashkenazi, 1811-1880. In 1869, he was appointed *Rishon le-Zion*, following his previous appointment as *dayyan* [judge in a rabbinic court] in the *bet din* of Rabbi Benjamin Mordehai Navon, and the head of the *Bet Din* [rabbinic court] in 1864. Ashkenazi was born in Lirissa in Greece, but his family emigrated to Jerusalem in 1820. He was the head of *Bet Jacob Pereira* and the *Tiferet Israel yeshivot*. Ashkenazi maintained good relations with the non-Jewish leaders in Jerusalem, and was on particularly friendly terms with the Greek Patriarch. He was decorated by Emperor Francis Joseph during the latter's visit to Jerusalem. Shortly afterwards, he was decorated by the Sultan. He edited *Takkanot Yerushalayim*, 1869, publishing a controversial ruling as discussed elsewhere in this thesis upholding the Tunisian finance minister, Nissim Sammama's will. Some of his essays and other works were published in the newspapers *Ha-Levanon*, *Havazelet*, *Judah vi-Yrushalayim*. See also I. Badadhab, *Ki be-Yizhak Shenot Hayyim*, 1928, pp. 4-5 and 24-27; A. M. Luncz (ed.) *Luah Israel*, (Jerusalem, 1908), pp. 85-86.

192 Pardo, Rabbi Moses ben Raphael, died 1888. Pardo was born in Jerusalem and served in that city as a rabbi for many years. In 1871, he became the rabbi of the Jewish community of Alexandria, where he remained until his death. Pardo was the author of a variety of *responsa*, particularly in matters relating to divorce laws: *Shemot Moshe*, Izmir 1874; *Zedek u-Mishpat*, Izmir 1874; and *Novellae to Hoshen Mishpat*.

193 Jacob Saul ben Eliezer Yeruham Elyashar (1817-1906), *Rishon le-Zion* and *Hakham Bashi*, born in Safed. Through his maternal grandmother, he was descended from Jacob Vilna, who was a member of the group of *Judah he-Hasid*. Elyashar married the daughter of the *Hakham Bashi*, Raphael Meir Panigel, was appointed *dayyan* in Jerusalem in 1853, and in 1869 was appointed the head of the *Bet Din*. In 1893, he succeeded his father-in-law as *Hakham Bashi* and *Rishon le-Zion*. Elyashar wrote thousands of *responsa* to questions from both Ashkenazim and Sephardim all over the world. He was highly respected by the authorities, and was decorated by the Turkish sultan, Abdul Hamid in 1893, and the German kaiser, Wilhelm II in 1898. He was also highly regarded by his own community, and the affection in which he was held is reflected in the fact that he was referred to commonly

including Rabbi David Hayyim Hazzan, the *Rishon le-Zion*. The vehemence of this anti-activist anti-immigration manifesto is indicative of the atmosphere in the *Yishuv* during this period.

As a result of the straitened economic condition prevailing in *Erez Israel*, many of the anti-activist rabbis including the authors of the above manifesto not only denounced the policy of settling the land, but also demanded a cessation of all Jewish *aliyah* (immigration)<sup>194</sup> to *Erez Israel*. The rationale behind this demand was the insufficiency of the *halukkah* system which was incapable of supporting all the Jews of *Erez Israel*. Every additional immigrant without sufficient means affected the amount available to the indigenous - and indigent - Jewish population. This anti-immigration group of rabbis and their ideas is discussed more fully below in Chapter 4.

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as "*Yissa Berakhah*" ("conferring a blessing"), the word "*yissa*" being derived from the Hebrew initials of his name. He wrote many other novellae and responsa: *Yikrav Ish*, (Jerusalem, 1881) (2 parts); *Ish Emunim*, (Jerusalem, 1888); *Ma'aseh Ish*, (Jerusalem, 1892); *Derekh Ish* (homilies); *Divrei Ish* (2 parts), (Jerusalem, 1892 and 1896); *Simha le-Ish*, (Jerusalem, 1888); *Yissa Ish*, (Jerusalem, 1896); *Penai Ish*, (Jerusalem, 1899); *Se'ar ha-Ish*, (Jerusalem, 1909). Elyashar died in Jerusalem, where the Givat Shaul district is named after him. See J. S. Elyashar, *Toldot ve-Zikhronot*, autobiography in *Luah Erez Israel*, 6, (Jerusalem, 1936), 61, edited and annotated by A.M. Luncz. See also Benayahu, in *Yerushalayim*, 4, 1953, 212. See also M. D. Gaon, *Yehudei ha-Mizrah be-Erez Israel*, 2, (Jerusalem, 1937), 59-60 and 62-68.

<sup>194</sup> *Aliyah* (lit. a going up, an ascension): immigration to *Erez Israel*.

In the context of the activist-passivist dichotomy, it must be remembered that in principle all Orthodox Jews considered that an individual going to live in *Erez Israel* fulfilled the *mitzvah* of *Yishuv ha-Arez* (settlement of the Land). As an action by an individual pursuing his religious fulfillment, this was acceptable even to the most extreme of anti-activist thinkers. It was a concerted action - "to rise up in a wall" - that was precluded by the "Three Oaths"; it was to organized movements that the passivist thinkers objected. In a similar manner, all halakhists agreed that individuals moved and motivated by their inner selves (and not by an external social movement) could be involved in the redemption of *Erez Israel* from non-Jewish owners of property; so much so that a Jew was permitted to purchase a Gentile-owned house in *Erez Israel* even on the Sabbath, if delay would make such purchase impossible.

Similarly, if a house had to be completed by a Jew and there was a fear that the authorities would forbid its completion, the Jews in some circumstances were permitted by the rabbis to complete it on the Sabbath day. For example, in 1800, Rabbi Moshe Mordehai Joseph Meyuhas<sup>195</sup> referred to this matter in his *responsa Mayyim She'al*.<sup>196</sup>

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<sup>195</sup> Rabbi Moshe Mordehai Joseph Meyuhas was the head of the *bet din* and the *Rishon le-Zion* in Jerusalem from 1802 to 1806. He wrote several books, amongst them *Birkot Mayyim*, an exegesis on the *Shulhan Arukh* (printed Salonika, 1884, et al). See further *Ha-Rishonim le-Zion*, by A. Elmaliah, (Jerusalem, 1978), pp. 118-138.

<sup>196</sup> *Responsa Mayyim She'al* was printed in Salonika in 1800.



"I have been asked to give judgement regarding a *hazer* [courtyard] here in Jerusalem, the Holy City. . . which was in a state of ruin and by some effort and expense, the rulers of the land gave permission to rebuild it. . . and now the Holy Sabbath arrives and they wish to finish the building in case they [the rulers] would retract and it would remain a ruin. Is one allowed to let the workers labour on the Sabbath?"<sup>197</sup>

Despite the great import given by Jewish halakhists to the Sabbath day, Meyuhas responds to the question:

"there is no question but that one must allow [the continuation of building], and this is the same matter to which our teacher [Joseph Caro] had written in the *Shulhan Arukh*, paragraph 306, section 11, that one is allowed to purchase a house in *Erez Israel* from a Gentile on the Sabbath, and one can sign (even on the Sabbath)."<sup>198,199</sup>

In another *Responsum*, Rabbi Shalom Hai Gagin considered a case where there was a risk that the authorities might, despite having issued building permits, reverse their decision and issue an order stopping the building of a Jewish house. As an extraordinary measure, Rabbi Gagin permitted the utilization of non-Jewish labour to complete the house on the Sabbath, basing his decision on the

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197 Ibid. p. 10a.

198 Ibid.

199 Rabbi Abraham Isaac HaCohen Kook wrote in his *responsa Mishpat Kohen*, para. 146, 1926, "we have found that for the settlement of *Erez Israel* one is allowed to desecrate the Sabbath."

principal that redemption of *Erez Israel* comes before the holiness of the Sabbath.<sup>200</sup>

Finally, it is interesting to note that in many ways the activist-passivist theological questions are being passionately debated by Orthodox Jewry to this day. Most modern Orthodox streams support the activist theology, but some extreme fundamentalist circles (including some groups who retain the word *Perushi* in their appellation, and others, in particular extreme *hasidic* sects such as the *Satmar hasidim*) still subscribe to the Three Oaths doctrine and cling to the ideology that *Erez Israel* will be rebuilt and redeemed solely by supernatural, Divine-directed means, and that human effort is contrary to Divine will.

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<sup>200</sup> *Yismah Lev*, (Jerusalem, 1878,) p. 1a Section 1.

CHAPTER II  
THE MISSIONARIES

"There are those that live in fear of  
the religion of the Christians."

Rabbi Moshe Turgeman<sup>1</sup>

Plague, famine and riots<sup>2</sup> beset the Jews of *Erez Israel* throughout the nineteenth century, but they held firm to their powerful spiritual commitment and to their feeling that simply to live in *Erez Israel* was a rare privilege. The maxim "*Erez Israel* is acquired through suffering"<sup>3</sup> was universally accepted, and it sustained many of the Jews in the face of severe physical dangers and economic difficulties. Their fierce spiritual commitment to the religion of their forefathers was evident. Above and beyond the economic and physical dangers, however, was a threat to that commitment - to the very spiritual foundation of the *Yishuv*. This was the threat posed by the activities of the Mission.

The missionary offensive was viewed in many ways with more alarm than the other dangers and difficulties which faced

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1 Moshe Turgeman, *Pi Moshe*, J.N.U.L. Ms. no. 8°4424, Section 2, p. 409.

2 See Chapter 9 for descriptions of the 1812-1813 plague in Safed, the Druse rioting and pillaging of 1834 and the 1837 earthquake in the Galilee.

3 See Babylonian Talmud Tractate *Berakhot*, p. 5a. The full text reads as follows:

"Rabbi Simeon bar Yohai says 'three goodly gifts were given by the Holy One, blessed be He, to Israel, and all were given via the medium of suffering. These are Torah, *Erez Israel* and the World to Come.'"

the Jewish people in *Erez Israel*. These Christian activities were considered a far more insidious threat to the integrity of the Jewish people than any mere physical danger.

The Jews were confronted by highly dedicated Christians, who were sympathetic to Jewish causes in many ways. Protestant missionaries began arriving in Palestine in the 1820's. The first missionaries worked on behalf of the London group named the London Society for Promoting Christianity Amongst the Jews (or LJS).<sup>4</sup> In 1833, after the invasion of Palestine by Muhammad Ali and Ibrahim Pasha, the rulers of Egypt, and the great improvement in the enforcement of law and order, the Mission set up a permanent centre in Jerusalem. Five years later came the establishment of the British Consulate and, in 1841, the establishment of a joint Bishopric for the Prussian and the Anglican Church. The first Bishop was a Jewish apostate named Solomon (Shlomo) Alexander.<sup>5</sup>

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4 Tibawi, *British Interests in Palestine, 1800-1901: A Study of Religious and Educational Enterprise* (Oxford 1961) pp. 6-9. See also Eliav, *Ahavat Zion* p. 23.

5 Michael Solomon Alexander had an Orthodox Jewish upbringing in Germany. From 1820, he lived in England, where as Michael Shlomo Pollack, he served as *hazzan* (cantor) and *shohet* (ritual slaughterer) to the Jewish communities in Norwich, Nottingham and Plymouth. He converted to Christianity in 1825 and taught Hebrew in Dublin, where he was ordained. From 1832 to 1841, he was professor of Hebrew and Rabbinics at King's College in London. In 1840, he and other converts signed a protest against the Damascus blood libel. In 1841, Alexander was appointed the first incumbent of the newly established Anglo-Lutheran bishopric in Palestine under the auspices of Great Britain and Prussia. He died in Egypt, and is buried in a Christian cemetery on Mount Zion in Jerusalem. See also M. W. M. Corey, *From Rabbi*

Bishop Gobat was appointed the second Protestant bishop in Jerusalem in 1846, after the death of Bishop Alexander. Upon the death of Gobat in 1879, Bishop Joseph Berkley was the third and last joint Protestant bishop. After his death in 1881, the activity of the joint Bishopric ceased (although it was only in 1886 that the joint Bishopric was officially dismantled). In 1887, the Anglican Church appointed George Francis Popheim, its first bishop. Popheim set up a new missionary society called the Jerusalem and the East Mission.

Recent articles on the activities of the Mission in Palestine during the 19th century have argued that, despite the significant human and financial investment made by the missionary societies, their efforts were not well rewarded. This conclusion is generally based on the fact that records show "a mere 500 Jews" converted in 50 years.<sup>6</sup> However, the

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*to Bishop: the biography of M. S. Alexander* (London, 1956); A. M. Hyamson, *The British Consulate in Jerusalem in Relation to the Jews of Palestine, 1838-1861*, Vol. I (London, 1939), pp. 46-63; H. J. Schonfield, *History of Jewish Christianity* (London, 1936), pp. 216-219; and A. L. Tibawi, *British Interests in Palestine, 1800-1901: A Study of Religious and Educational Enterprise* (Oxford, 1961).

6 See A.L. Tibawi *British Interests in Palestine 1800-1901* (Oxford, 1961), p. 75 where he refers to the "small number of converts which were the product of [Bishop] Alexander's labours". See also M. Eliav, *Erez Israel*, p. 64, where he says that only 500 Jews, half of them children, had been converted over a period of fifty years (i.e. 10 converts per annum) from 1839 to 1889. Compare M. Ish-Shalom, *Ma'asei Nozerim le-Erez Israel* (Tel Aviv, 1965), pp. 145-147; A. Goodrich-Freer, *Inner Jerusalem* (London 1904), which claims that 492 Jews,

vehement reaction of rabbinical leaders indicates that the missionary enterprise made a serious impact on Jewish life in *Erez Israel*. On closer examination it is clear that missionary efforts were, indeed, extraordinarily successful, and presented a real threat to the spiritual well-being of the Jews in *Erez Israel*. In the opinion of this writer, it is entirely wrong to perceive the missionary work as a failure. While the raw numbers might not appear significant, they represented a substantial proportion of the Jewish population of Palestine - no less than 1.6 percent,<sup>7</sup> the equivalent of 60,000 Jews in present-day Israel. It should be added that these 500 apostates were drawn from the most devout Jewish community in the world. In this community such apostasy, if only from a purely halakhic viewpoint, was regarded as a fate worse than death. This explains the extraordinary efforts which the rabbis invested in undermining the missionaries through rabbinic teachings, edicts, and excommunications.

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half of them children, were converted between 1849 and 1896; Eliav, *Ahavat Zion* p. 35. Compare a report in the newspaper *Yehuda vi-Yrushalayim*, Kressel Edition (Jerusalem, 1956) p. 149, which announced that in 1876 there were ten converts. The newspaper also announced that the total of LJS expenditures for that year was £38,829 (against an income of £36,021), and notes caustically that this indicates an expenditure of £5000 (*sic* - it should have read £4000) per Jew - a huge sum in those days.

7 See T.V. Parfitt, *Jews in Palestine* (Royal Historical Society, 1987), Tables 1-9, putting the overall Jewish population in 1840 at approx. 9000. In 1890, the figure was close to 32,250. Even taking the higher figure, the percentage of converts is approximately 1.6 percent. Compare N. Shepherd, *The Zealous Intruders* (London, 1987), pp. 255-256.

Throughout the 19th century, therefore, the activities of the missionary societies caused alarm and despondency in the community in *Erez Israel*. Missionary activities - supported by offers of work, food, health care and education - also brought about internecine battles within the Jewish community, and in some cases, the rabbis prohibited Jews from using missionary facilities, including hospitals and schools. In the latter part of the 19th century, halakhic leaders even forbade Russian Jewish refugees from taking up employment offered by the missionary groups or those identified with missionary groups. These halakhic decrees, which affected the health, education and livelihood of the *Yishuv*, aroused great passions within the Jewish community.

While the Jews in *Erez Israel* were pursuing the goal of religious fulfillment, Anglican missionaries were pursuing an agenda of their own. A highly motivated group, they were convinced that the people of Israel had a special role to play in world history.<sup>8</sup> Restoration of the Jews to *Erez Israel* was treated by many as the highest Christian priority.<sup>9</sup>

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8 See S. Sapir, *The Contribution of the Anglican Missionary Groups to the Development of Jerusalem at the end of the Ottoman Empire*, Master's Thesis, University of Jerusalem Department of Geography, 1979 also his article in *Cathedra*, Volume 19, 1981, pp. 155-170.

9 Dr. Alexander MacCaul, a leading missionary and father-in-law of British Consul James Finn, wrote:

"How inexpressibly important to the world is, then, the restoration of the



Jewish people! How incomprehensible the ways of God! Stiff necked and rebellious as Moses called his people - idolatrous and wicked as the prophets describe them to be - obstinate and unbelieving as we behold them - they have been chosen of God as the instruments of his mercy, and the heralds of his salvation; and with their destinies is indissolubly bound up the happiness of the human race. With what respect and what earnestness should we pray and labour for their restoration to the divine favour ... the conversion of the world, and the happiness of mankind - cannot be attained until the Lord arise in Zion, and his glory be seen upon her. ...nothing else than the receiving of the Jews can be as life from the dead to the world."

[Dr. MacCaul's Sermons, "Restoration of the Jews," Church of England Magazine, Vol. X, No. 252 (May 1841), p. 303.]

Compare this with:

"...great political events are taking place in the east, particularly in Egypt and Syria, all of which seem to be ushering in the complete fulfilment of those divine prophecies which speak of the restoration of the Jews to their own country..."

["A Word on the Divine Promises, as to the Restoration of the Jews to their own Land" Church of England Magazine, Vol. X, No. 252, (May 1, 1841), p. 302.]

And in another place we find:

"The evangelization of the Jews as a body, is to precede the evangelization of the whole world. So in working for the salvation of the Jews, we shall be hastening the evangelization of the heathen. When the Jewish nation becomes a missionary nation, and takes up the missionary work of the world, then we shall see spiritual life for the first time! What shall the receiving of the Jews be, but life for the dead world! Hence this work is more glorious and splendid, more magnificent in its final

The missionary societies maintained a lively record of their activities in *Erez Israel*. Their followers abroad were kept informed of their activities through pamphlets and journals such as "The Jewish Intelligence," "The Jewish Expositor," and "The Jewish Missionary Intelligence" among others.<sup>10</sup> The initial aim of the missionaries who arrived in the 1820's was to maintain a presence in the Holy Land, to spread the teachings of the Missions among the Jews, and also to help the Jews consolidate their settlement in *Erez Israel*.

The missionaries offered the *Yishuv* a seductive combination of economic and medical aid, combined with religious propaganda. It also offered the harassed *Yishuv* protection against the arbitrary and corrupt rule of the Ottoman Empire.

The attitude of the Jewish community towards the missionary groups divided at first along ethnic lines. In general, the Sephardi rabbinical authorities saw only the negative side

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aim than any other missionary undertaking."

[Rev. A.V.W. Carden, in *Gidney, Mission to the Jews: A Handbook of Reasons, Facts, and Figures* (London, 1899), p. 38.] See also N. Shepherd, *The Zealous Intruders* (London 1987), pp. 228-257.

10 See S. Sapir *Contribution of Anglican Missionary Groups* (see footnote 6); also Shlomit Elbaum Horn, *The Jerusalem Bishopric 1841* (University of Minnesota Ph.D. 1978)

of the activities of the missionaries. This was their first encounter with missionary groups, and it is possible that the communal memory of the Sephardi-Christian encounter in Spain and Portugal had had an overwhelming and decisive influence on their initial attitudes toward the missionaries.

Initially, at least, the Ashkenazim were more flexible. In fact, some rabbis cautiously welcomed the missionaries. This welcome was strictly utilitarian, a fact made evident by the attitude of the followers of the Gaon of Vilna - the *Perushim*. These were Russian nationals who had sought the protection of the British Consul,<sup>11</sup> and now wished to augment such protection through the good offices of the English missionaries. The *Perushim* also recognized the value of the economic and medical assistance available from the missionaries, and at first had no qualms about accepting such aid. An excellent example is that of James Finn,<sup>12</sup>

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11 Many Jews living in *Erez Israel* had been refused Russian passports. See D. Hopwood, *The Russian Presence in Syria and Palestine 1843-1914 - Church and Politics in the Near East* (Oxford 1969), p. 53. In fact, the Russian distaste for the Jews led them to sever virtually all connections. In the 1850's, Cyril Naumov, an emissary of the Tsar, was instructed to extend goodwill towards the Russian and Polish Jews of *Erez Israel* - "one of the elements of the population whom we recently let slip out of our hands against all reason," Hopwood, *ibid.* Jews were prohibited from using Russian clinics in Jerusalem, which were otherwise open to all faiths and nationalities. See Hopwood, *ibid.* p. 117.

12 James Finn, 1806-1872, served as British Consul in Jerusalem from 1845-1862. A fervent philo-Semite and friend of the Jews. Finn actively intervened on behalf of the Jews to protect them from the Ottoman authorities. He was involved in and supportive of

whose assistance was accepted despite profound suspicions about his motives. Obviously, the *Perushim* felt secure in their religious beliefs, and were confident that they would not be undermined by such contacts. In short, they felt they could avail themselves of the positive aspects of this Christian support of the Jews without falling prey to the missionary message. For some members of the *Perushi* community, however, this confidence in their sense of spiritual strength proved to be ill-founded.

The rabbis of the *Perushim* valued the potential material assistance and the possibility of greater protection for the Ashkenazi community that the missionaries offered. In addition, they perceived the involvement of Christian missionaries on behalf of the Jews as part of the actualization of the biblical prophesy, which described the role of the nations in assisting in the process of the

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missionary activities - an example of which is his failed attempt to settle some Jewish converts to Christianity in the village of Aertas near Bethlehem. His activities in promotion of productivity and agricultural development brought about his bankruptcy when monies he had personally invested were lost. It is noteworthy that when his appointment as consul had ceased, the lay and religious leadership of Jewish Jerusalem addressed messages of appreciation and admiration to the British government for his services to the Jewish community. Possibly, his enthusiasm for Jewish causes was disapproved of by his superiors, and it has been suggested that this precipitated the end of his tenure in Erez Israel. His wife, Elizabeth Anne, edited and published his book, *Stirring Times* (London 1878), describing the Jews in Erez Israel at that time. See also A. Ya'ari, *Zikhronot Erez Israel* (Jerusalem 1947), p. 175; and M. Ish-Shalom, *Ma'asei Nozerim le-Erez Israel* (Tel Aviv, 1965), 44, 66-71.

return to Zion.<sup>13</sup> Shlomo Zalman Shapiro, a lay Jewish leader, actually wrote to the missionary societies in London asking for their assistance.<sup>14</sup> In a letter<sup>15</sup> sent by the *Perushi* rabbis to the British ambassador in Constantinople, they expressly set out this belief that the missionaries were, in some senses, the emissaries of God hastening the arrival of the salvation:

"there is no doubt that Godly providence  
has sent you amidst us and shall stir  
you to protect us."<sup>16</sup>

This selective openness to the missionaries was carefully monitored, and there was an attempt to limit contact to the *Perushi* leaders only, in particular to Rabbi Menahem Mendel of Shklov<sup>17</sup> and Shlomo Zalman Shapiro. Controlling the contact with the missionaries proved difficult, and doubts about this policy grew.<sup>18</sup>

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13 Isaiah 60:10.

14 MS *Bet Midrash le-Rabbanim*, J.N.U.L. Institute of Facsimiles, MS number 29424, p. 151b.

15 Ibid.

16 Ibid.

17 Menahem Mendel of Shklov, born in Shklov, founder of the renewed Ashkenazi community in Jerusalem at the beginning of the nineteenth century. Immigrated to *Erez Israel* in 1808, settled in Safed, was the leader of the Ashkenazi *Perushim* community, which then numbered around 150 persons, persuaded Rabbi Israel of Shklov to emigrate to *Erez Israel*, in 1812, fled with others from Safed as a result of the plague. Four years later, he made his home permanently in Jerusalem. He wrote several books, dealing mostly with the teachings of *kabbalah* and mysticism. See also A.M.Luncz, *Yerushalayim* 13 (Jerusalem, 1919), p. 233ff. See *Jewish Expositor* (1822) p. 494, which describes some of the missionaries' contacts with Rabbi Menahem Mendel through the apostate Joseph Wolff.

18 See *Missionary Intelligence*, 1830 pp. 13-14; *Jewish Expositor* (1882) p. 509.

The confusion surrounding the missionaries was exacerbated by the courage and self-sacrifice many of them displayed. This was particularly evident when they continued providing medical assistance even during the contagious plague which raged in Jerusalem during 1838 and 1839.<sup>19</sup> It is noteworthy that during the difficult plague years in Jerusalem, Rabbi Israel of Shklov refused to forbid Jews from being treated by two missionary doctors whose medical assistance was essential.<sup>20</sup> According to missionary sources, the two doctors dealt with 50 Jews per day at the height of the cholera plague in Jerusalem.<sup>21</sup>

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19 About his relations with the Jews, Dr. MacGown, a missionary physician, wrote in 1842:

"I shall never forget the extraordinary interest displayed by the Jews of all classes upon this occasion. I have already mentioned the active part taken by the Jews, who witnessed the assault made upon me, in my defence. (Committed by some Turkish Soldiers.) On several following days as I went my rounds in the Jewish quarter, the Jews stopped me in the streets, and came out of their houses, and kissed my hands in the fashion of the East, with tears in their eyes. Many whom I had never seen or known came forward on this occasion with expression of kindness and regard. These demonstrations were as gratifying to me as they were unexpected. But for this event, I should perhaps never have known how many friends I had among the Jews in Jerusalem."

[T.D. Halsted, Our Missions: Being a History of the London Society from 1809-1866 (London: London Society for Promoting Christianity Amongst the Jews, 1866). p. 162.] See also Gat, p. 126.

20 *Jewish Intelligence*, 1840, p. 37.

21 Ibid.

By the late 1830s and early 1840s, it was evident that the missionaries were making a significant impact on the Jewish sense of spiritual security in Palestine. They were assisted in this by the growing crisis of faith which centered on the mystical expectation that the arrival of the Messiah was imminent and would occur in the year 1840. This messianic belief grew into a mass phenomenon and the closer the date drew, the greater the expectations of large sections of the Jews in *Erez Israel*.<sup>22</sup> When the Messiah failed to arrive in 1840, disillusionment took the place of hope and expectation and the Mission reaped the results of the profound disappointment of some Jews. Rabbi Aviezer of Tiktin described how

"several people have committed apostasy as a result of their seeing that he [the Messiah] did not arrive and they have said that he shall not arrive."<sup>23</sup>

Rabbi Aviezer of Tiktin, who lived in Jerusalem at this time, was concerned by the significant number of apostates. Jews who converted to Christianity because of their disappointment over the non-arrival of the Messiah were, he wrote "the descendants of the multitudes that made the Golden Calf in the desert",<sup>24</sup>. Those who were impatient for salvation, he noted, emulated the behaviour of the

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22 This phenomenon is analyzed in detail in Chapter 1.

23 Aviezer of Tiktin, *Sefer Sha'arei Zedek le-Zera Izhak* (Jerusalem, 1843), p. 56a.

24 Ibid. p. 56b.

multitudes who waited for Moses to come down from Mount Sinai. People who were too impatient for the Messiah to come had made a "modern Golden Calf".<sup>25</sup>

A text<sup>26</sup> written in 1843 by a Rabbi Yehuda Bekhar Shlomo Hacoheh, also tried to reassure those who had become disillusioned with Judaism because the Messiah had not arrived in 1840. He declared that all those who had expected the Messiah to arrive in 1840 were ignorant and simply did not understand the words in the *Zohar* on which such beliefs had been based. The Messiah, he said, would come in God's good time.

Both Rabbi Aviezer and Rabbi Hacoheh attempted to popularise the view that those who committed apostasy did so out of ignorance rather than out of profound religious considerations. It was suggested by these two rabbis - and indeed by other Jewish leaders - that only simple and ignorant people were led astray by the "seducers." This view, however, is not supported by other rabbinical records, which show that apostasy took its toll on some of the most learned families, including at least one of the great rabbinical families of *Erez Israel*.

Indeed, two relatively important members of the *Perushi* community - Rabbi Eliezer Luria (who was a second cousin of

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25 Ibid.

26 Y.B.S. HaCohen, *Ohalei Yehudah* (Jerusalem, 1843.)



Rabbi David Luria, one of the leading rabbis in Lithuania) and Rabbi Benjamin Goldberg - converted to Christianity. Contrary to the explanation provided by Rabbi Aviezer and Rabbi Hacohen, these two men appear to have abandoned the Jewish religion for reasons other than failed messianic expectations. Although their conversions took place in 1843, they had made contact with the missionaries as early as 1839, one year before the predicted arrival in 1840.<sup>27</sup> Doubtless, the spiritual tension and heightened expectations leading to 1840 could have influenced these apostasies. A much more likely explanation, however, is to be found in the effect of the suffering caused by the terrible plague and famine in Jerusalem during 1838 and 1839. Perhaps these horrific events moved Jews in Palestine to entertain thoughts of heresy. Heroic acts of self-sacrifice by the missionaries, who tended to the sick despite great personal danger during the plague, may also have played a part in opening the minds of their Jewish beneficiaries to their message and ideology.<sup>28</sup>

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27 A. Morgenstern, *Meshihiut ve-Yishuv Erez Israel*, (Jerusalem, 1985), p. 213.

28 In addition to ideology, the missionaries offered substantial material incentives for conversion. Colonel Hugh Rose, the British Consul in Beirut, declared that these incentives offered the convert "comparative wealth and independence" to replace his previous "poverty and dependence." See A.L. Tibawi, *British Interests in Palestine 1800-1901* (Oxford, 1961), pp. 77-78. Tibawi also noted that "completely disinterested conversion is rare."

The apostasies of Rabbi Luria and Rabbi Goldberg<sup>29</sup> caused an uproar in the Jewish community. The *Perushim*, in particular, no doubt rebuked themselves severely for exposing themselves to the missionary ideology. A testimony to the levels of feeling aroused appears in a *Perushi* document called the "*Pinkas Bikur Holim*". This document, written on parchment in 1837, includes a list of all the members of the Society of the *Perushim*. The names of the

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29 There were originally three "inquiring rabbis" - as they were described by the missionaries (*Jewish Intelligence*, Feb 1843, p. 71.) One of these, Rabbi Abraham Nissim Wolfin - who was related by marriage to the *Perushi* leader Isaiah Bardaki - changed his mind at the last minute. The missionaries reported that:

"... The attention of the Jews throughout Palestine has been roused by the work going on at Jerusalem:--

"The late occurrence about the three rabbies (writes M. Ewald) has already been spread throughout the Holy Land. On the 25th of November, a deputation from the Jews of Tiberias arrived here, to inquire whether the report they had heard was true, viz., that fourteen rabbies of Jerusalem had embraced Christianity. The Jews of this place are very much exasperated on that account, and do all in their power to avoid coming in contact with us."

[Jewish Intelligence, June 1843, p. 225.]

Rabbi Isaiah Bardaki, as the representative of the Russian and Austrian governments in Jerusalem, wrote to Consul Young, demanding that the three be handed over to him to be tried for unspecified civil offence crimes. This demand caused a political stir. Technically, Bardaki's demand was legitimate. The missionaries, however, were understandably reluctant to surrender their prize. For the fascinating correspondence on this subject, see appendices II and III. See also A.L. Tibawi, *British Interests in Palestine 1800-1901* (Oxford, 1961), p. 63

two apostates have been violently scratched out. Alongside is the ominous inscription:

"May their name and memory be obliterated. They have been excommunicated."<sup>30</sup>

It is interesting to note that the name of Eliezer Luria, who was from one of the most illustrious families in the Yishuv and in Lithuania,<sup>31</sup> is almost totally gouged out of the parchment, whereas the name of Benjamin Goldberg, obviously a much lesser personality, was deleted by the means of a few pen strokes.<sup>32</sup>

After 1840, when it became clear that the Messiah was not about to arrive, the disillusionment felt by many Jews made the strengthening of the Jewish faith among the masses of the people one of the major priorities of the rabbinical and halakhic authorities. The urgency of this task was shown by the prolific output of rabbinic and halakhic literature referring to potential loss of faith and giving advice on how to resist such pressure. The mission was presented as an anti-Jewish movement intent on destroying the Jewish people. Various rabbis issued pamphlets, books, posters and public warnings against the missionaries.

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30 J. N. U. L., Hebrew MS dept. no. 4<sup>o</sup>764.

31 Rabbi Eliezer Luria was a cousin of Rabbi David Luria, the chief rabbi of Bihova in Lithuania.

32 Eliezer Luria became a missionary himself and served in Egypt. See *Jewish Intelligence*, 1847, p. 92. See also N. Shepherd, *The Zealous Intruders* (London, 1987), pp. 119-120

ר' ארי' בר' ירחמיאל נ  
 ר' אל' יגהר דין בר' א' נ  
 ר' דוד מל' צמון  
 ר' חייקיל  
 ר' יצחק יוסף הכהן  
 ר' דוד טעבל בה' גרש  
 ר' יוחנן צבי בר' מרדכי  
 ר' יעקב בר' נתן הלוי נ  
 ר' פסח בר' איהו מקראנני  
 ר' יעקב בר' דוד נ (מחילנח)

ר' שאול מאתטסלאוו

ר' שמואל בר' משה הכהן נ

ב' יצחק שיץ  
~~ר' יצחק שיץ~~  
 ר' מרדכי בר' איכסנדר  
 ר' שאול קירזנער

ר' זיסקינד בליץ (מנ' איעור משה צי)  
 ר' חיים בהרצ מ' שלמה זלנן הכהן  
 ר' צבי פרוש  
 ר' אברהם יצחק בר' צ' הנל  
 ר' יצחק צבי ברחז

ר' יצחק בר' א' גליקעס  
 ר' שמואל בר' שברתי  
 ר' מרדכי בר' אשז  
 ר' יוסף בר' אלי  
 ר' יצחק סופר  
 ר' לוי ברחיים  
 ר' זלמן זלמן  
 ר' אבלי משמיץ  
 ר' צבי מ' זרח  
 ר' משה בריץ  
 ר' מאיר מלמד  
 ר' דוב הלוי  
 ר' צבי צורף  
~~ר' יצחק שיץ~~

ב' בנימין בעיש מקראנני  
 ר' יוחנן ב' יצחק שיץ  
 ר' יצחק שיץ

Plate I: Pinkas Bikkur Holim

Note Luria's deleted name in left column

The Hebrew letters ק" indicate "Kibel Herem" i.e. excommunicated

One of the first public warnings was made on the "Sabbath of the Return"<sup>33</sup> in 1841. Another such warning was given a few weeks later. In these warnings, the *Bet Din*<sup>34</sup> declared that it was forbidden even to speak with anyone associated with the missionary societies, whose whole intent "is to capture Jewish souls"<sup>35</sup> Several works were published guiding the Jew on how to cope with missionaries and how to counter their theological arguments. Other essays and pamphlets sought to explain the non-appearance of the Messiah, and some attempted to provide hope by promising that a salvation would occur in the very near future.

The sheer number of such books attests to the growing sense of spiritual vulnerability felt by the Jewish community in *Erez Israel*. The Jews felt they needed to defend themselves against the insidious ideas of the missionaries in particular and other external influences in general. This early sense of vulnerability led to a mounting communal introspection and a concomitant attempt, particularly among the Ashkenazi rabbis, to exclude the outside world altogether from the daily life of the Jews. This was later reflected in the rigid attitude of many of the rabbis in Palestine towards the New *Yishuv* and its modern influences, although it was not the only reason.

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33 The Sabbath preceding Yom Kippur.

34 *Bet Din* (pl. *Battei Din*): (lit. "House of Law") rabbinical courts.

35 A.H. Gagin, ed., *Edut le-Israel* (Jerusalem 1847), p. 16.

The crisis of faith was to become a chronic problem, and the profound concern of the halakhic leaders was manifested in the reprinting of a book called *Hizzuk Emunah*,<sup>36</sup>

"Strengthening the Faith," by Rabbi Issac ben Abraham Troki.<sup>37</sup> This book was first published in 1705; it was re-issued in 1717, but it was not until 128 years later - in 1845 - that it appeared again, this time re-printed by the Israel Beck Press in Jerusalem. The reprinting was, in fact, made possible by the Anglo-Jewish philanthropist Sir Moses Montefiore, who urgently sent a rare copy of the book to Palestine.

In order to meet the challenge of missionary theology, *Hizzuk Emunah* was reprinted no less than five times over the next 25 years and the great demand for it remained constant, a clear indication that the crisis of faith which began in the 1840s continued for many years afterwards.

*Sefer Mishmeret ha-Brit*,<sup>38</sup> "The Guardianship of the Covenant," was another book that was published in response

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36 Isaac ben Abraham of Troki, *Hizzuk Emunah*, reprinted Jerusalem, 1845.

37 Isaac ben Abraham Troki, 1533-1594. His work, *Hizzuk Emunah*, was circulated in manuscript for decades before finally falling into the hands of Johann Kristoff Wagenseil, the Christian Hebraist. Wagenseil's text was reprinted for Jewish use in Amsterdam in 1705, and a Yiddish translation was printed there in 1777. An English translation by Moses Mocatta, uncle of Sir Moses Montefiore, was issued in London in 1831, with a statement on the title page "printed but not published".

38 Written by Rabbi Aviezer of Tiktin (Jerusalem, 1846.)

to missionary successes in Palestine. Its author, Rabbi Aviezer ben Isaac of Tiktin, wanted to buttress the Jewish faith in the face of the powerful appeal of the missionaries.

Rabbi Aviezer's work also throws light on the missionaries' methods of approaching the extremely devout Jewish population. According to Aviezer, the missionaries did not attack the fundamental spiritual tenets of the Jewish faith; instead, they concentrated on time-honoured Jewish customs which had no real foundation in *halakhah*.<sup>39</sup> The most noticeable example was the custom of covering the head by male Jews. Many Jews of the period were probably unaware that there is, in fact, no halakhic basis for this practice, although this was an accepted, important, and highly-symbolic custom. The absence of a halakhic basis made this custom a particularly easy target. Once the Jew accepted that an act that had previously been so meaningful was not a genuine religious requirement, the way was clear for the missionaries' attack on other devoutly held rituals and beliefs.<sup>40</sup>

It was evident that the mass of Jews at whom Rabbi Aviezer aimed his work held simple, ritual-based religious ideas without a profound understanding of their philosophical and theological bases. It says much about the population of

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39 *Halakhah*: rabbinical law

40 *Ibid.* preface.

*Erez Israel* at that time that a large section of the population, while devoutly observant, were relatively unsophisticated in their intellectual appreciation of their religion.<sup>41</sup>

At the end of his book, Rabbi Aviezer describes several rules of behaviour to be observed in dealing with the missionaries. In the section headed "Regulations dealing with Heretics,"<sup>42</sup> he lays down guidelines expressed as a list of halakhic rules. These warn against contact with the missionaries, but nevertheless take a pragmatic and understanding view of what an individual could expect of himself. For example, in *Halakhah* 11, Rabbi Aviezer states that one is not entitled to accept charity from the missionaries, but

"when one has nothing with which to sustain one's soul [i.e. when one is starving] one is so entitled."<sup>43</sup>

In spite of this reluctant pragmatism, however, Rabbi Aviezer admonishes that

"he who guardeth his soul will stay clear of them even at a time of great need, including the saving of his life."<sup>44</sup>

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41 Ibid. preface.

42 Ibid. p. 28.

43 Ibid.

44 Ibid. p. 29.



In *Halakhah* 12, Rabbi Aviezer forbids Jews to accept medical assistance from the missionaries, but again he allows that in a case where it is impossible to get assistance from a Jewish doctor, one can "discreetly accept medical help from the missionaries."<sup>45</sup>

Rabbi Aviezer's main theme was that simple, non-intellectual faith was no longer sufficient for most Jews. Such a faith, practised by unthinking and ignorant people, had to be replaced by more rigorous education in the Jewish religion itself. Every Jew, said Rabbi Aviezer, had to comprehend and study all those places in the Torah which the missionaries used to prove the Christian beliefs.<sup>46</sup> Once understood, this learning would be used to contradict missionary arguments.<sup>47</sup> Every Jew had to be internally convinced of the nefariousness and the maliciousness of the explanations and interpretations provided by the missionaries, and this required a greater religious education and knowledge than had previously been available to most Jews.<sup>48</sup>

"I have called this book *Mishmeret ha-Brit* [Guardianship of the Covenant],"

says the author,

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45 Ibid. p. 30.

46 Ibid.

47 Ibid.

48 Ibid. in Preface.

"because the things that are stated in it help to keep the words of the Covenant of the Torah from the libelers who say that God has repented regarding the covenant of His Torah and has given the New Testament."<sup>49</sup>

This extraordinary publication, reinforcing ideas and beliefs that had always seemed natural and obvious, demonstrates the psychological and spiritual distress among some sections of the Jewish population of *Erez Israel*. The crisis of 1840, coupled with the intense missionary efforts, successfully shook basic religious beliefs and even undermined such fundamental tenets as those of the Book of the *Zohar*.

In another book written by Rabbi Aviezer,<sup>50</sup> one can sense the despair of the writer (later shown to be over-pessimistic) that the fires of apostasy were spreading, most particularly - according to Rabbi Aviezer - within the Jewish community of Jerusalem. In *Sefer Sha'arei Zedek* one can sense a note of desperation in Rabbi Aviezer's attempt to defend the authenticity and integrity of the Book of the *Zohar*. Amazingly, he tries to prove that the expectation of an 1840 arrival of the Messiah was correct, inasmuch as the messianic era was indeed about to dawn on mankind.<sup>51</sup>

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49 Ibid.

50 Aviezer of Tiktin, *Sefer Sha'arei Zedek le-Zera Izhak* (Jerusalem, 1843), p. 56a.

51 A recently discovered manuscript written by Rabbi Hillel of Shkloy also stated that the messianic era would begin in 1840 and take up to 150 years to be completed. See

However, the end would come not in 1840, but in 1845!<sup>52</sup> According to Rabbi Aviezer, the years between 1840 and 1845 would witness a series of Divine trials for Israel. That period, therefore, would provide more difficulties than usual for the people of Israel. Included in the book are calculations and mystical tables to prove the theory.

This attempt at deferring the expectations of the Salvation by five years illustrates the depth of disillusionment experienced by some Jews as a result of the non-arrival of the Messiah in 1840. It also shows the determination of some rabbinic authorities to deflect the terrible crisis, albeit temporarily, by promising that the Messiah will certainly arrive, if a few years later.

Rabbi Aviezer in *Sefer Sha'arei Zedek* recounted the three major disasters that had befallen the *Yishuv* in recent history:<sup>53</sup> the attack on Hebron and Safed in 1833 - 1834 at the time of the Peasants' Revolt; the earthquake of 1837; and the plague in Jerusalem from 1838 to 1839.

Rabbi Aviezer then asserted that all these disasters were precipitated by the *Perushim*, whose activism and desire to rebuild the ruins of *Erez Israel* were against the natural

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Hillel of Shklov, *Kol ha-Tor*, published by Kasher in his work *Ha-Tekufah ha-Gedolah* (Jerusalem 1968.)

52 *Sefer Sha'arei Zedek le-Zera Izhak*, p. 17.

53 *Ibid.* p. 23.

ספר

# שערי צדק

לזרע יצחק

**הספר** הלו הוא מעט הכמות ורצ האכות להכני' ומשכילים • והוא מיועד  
ונבנה מדברים יקרים : מזהב ומפניני' לדעת נבונים • והיה כל מבקש  
ה' לקרות ולדרוש מעל ספר הלו : ימצא בו די מבוקשו ותשוקתו • כל אחד לפי  
דרכו וחפצו • ועיקר גודל החועלת מספר הלו : הלא הם כתובים מעבר לדף  
במבוא שטרים : וכיחוד בשערי יושר יותר מבואר הדברים :

**חיברו** איש אחד זעירא • מיושבי ירושלם ת"ו • החותם בשמים סגן ארבע  
בארבע עולמות : אצילה בריאה יצירה עשיה • סיכון המאלי' ית' :  
בשמים • בשתי אותיות ר"ו למפרע • סגן חיבת או"ר א"ס ב"ה :

תחת ממשלת אדונינו המלך האדיר החסיד שולטאן **עבר איל מגיד ירום הורו**

ע"י הרב המדפיס חכם וכו' כבוד מוה"ר **ישראל בנו"ה אברהם ב"ק** וללה"ה :

נדפס פה

עתיק **ירושלים** תובב"א

בשנת ועס הארץ אשר גרת"ה בה לפ"ק



Plate II: Title Page of Sefer Shaarei Zedek LeZera Izhak  
by Rabbi Aviezer of Tiktin

process of God's historical plan.<sup>54</sup> In Aviezer's opinion, people who spend their time in pursuit of material and earthly affairs instead of studying the Torah, were, in fact, the people who helped "Satan and . . . his function"<sup>55</sup>

This anti-activist view was adopted by others in the rabbinical and halakhic hierarchy who, in the face of the physical disasters and the spiritual crisis of 1840, adopted an adamant stand in this matter. Their conception was a reversion to the traditional idea that re-building the Land was not part of the historic Jewish function. Those who lived in *Erez Israel* were duty-bound to devote themselves exclusively to the study and teaching of Torah; to be as *klei kodesh* - holy vessels - and to lead a passive, scholarly existence.<sup>56</sup>

Aviezer's attacks on the *Perushi* leadership destroyed his standing in the city of Jerusalem, and in the summer of 1849 he left *Erez Israel*. Three years later, he died in Lvov. The bitterness of the controversy is evident from Aviezer's later books in which the rabbinical approbations - *haskamot* - of the *Perushi* sages in Jerusalem were notably absent.

One of the missionaries' most effective weapons in winning Jewish hearts and minds was their hospital, which was

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54 See chapter 1.

55 *Sefer Sha'arei Zedek le-Zera Izhak*, p. 40.

56 *Ibid.* p. 24.

established three or four years before the arrival of Bishop Alexander in Jerusalem. In order to ease the intended transition from Judaism to Christianity, the missionaries installed a Torah scroll in its hospital, and obtained supplies of kosher food for patients.<sup>57</sup>

Public health among the Jewish community was poor, and there were many sick people in need of professional treatment.<sup>58</sup>

It is not surprising, therefore, that the Mission Hospital proved to be a great attraction to the Jewish population of Jerusalem. After the first apostasies, the rabbinical pamphlet *Edut le-Israel*<sup>59</sup> was issued by the leading rabbis of the Jewish community.

The pamphlet declared that, since the entire aim of the hospital was to convert Jews to Christianity,<sup>60</sup> Jews were

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57 *Edut le-Israel* (Jerusalem, 1847), p. 10; Gat pp. 140-142. It should be noted that the mission hospital offered excellent medical care, as one of its most extreme opponents, Rabbi Akiva Joseph Schlesinger, noted in *Kol Nehi mi-Zion* (Jerusalem 1872) pp. 1-2.

58 See T.V. Parfitt, *Jews in Palestine* pp. 13-14; Gat pp. 126-142; Eliav, *Erez Israel* pp. 232-238

59 *Edut le-Israel*, p. 11b.

60 This was correct. According to the missionaries themselves:

"A great hindrance, however, arises from the difficulty of finding access to the Jews. The bitter hatred entertained by the Rabbis towards a living Christianity, and, in particular, towards the missionaries, makes it almost impossible for the latter to speak to the Jews about the concerns of their souls.... On this account, the London society has very wisely attached to its agency in Jerusalem a medical

forbidden to enter it even if this meant the difference between life and death. The pamphlet was sponsored by the *Hakham Bashi*, Rabbi Hayyim Abraham Gagin,<sup>61</sup> and supported by a formidable list of signatories, including every leading Sephardi authority in *Erez Israel* and some Ashkenazi authorities too. The signatories included Rabbi Isaac Farhi,<sup>62</sup> Rabbi Raphael Meir Panigel,<sup>63</sup> Rabbi Benjamin

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institution in the form of a hospital, in which gratuitous attendance is given to sick Jews. The haughty heart, when broken by the disease of the body, is willing to listen to the voice of Divine compassion, especially when the lips of those from whom that voice proceeds are in correspondence with the benevolent hand of human sympathy and tenderness. This is the way pointed out to us by our Lord, Jesus Christ Himself..." [my emphasis (C. K.)]

- 61 Rabbi Hayyim Abraham Gagin, (1787-1848), born in Constantinople, became *Rishon le-Zion* in 1842, was the first rabbi to be given the official Ottoman title of *Hakham Bashi*. He wrote several works: *Minhah Tehorah* (Salonika, 1825-1836); *Hukkei Hayyim* (Jerusalem, 1843); *Hayyim me-Yerushalayim*, 1882; *Yeriyot ha-Ohel* (2 parts), 1886-1904. See M. D. Gaon, *Yehudei ha-Mizrah be-Erez Israel*, 2 (Jerusalem 1938), pp. 179-182, p. 6; Eliav, *Erez Israel* pp. 146-147; T.V. Parfitt, *Jews in Palestine* p. 161.
- 62 Isaac Farhi, born in Safed, (1782-1853), a scion of the Farhi banking family in Damascus. Officiated as rabbi in Jerusalem, wrote several important works: *Tuv Yerushalayim* (Jerusalem, 1842); *Zekhut ha-Rabbim* (Constantinople, 1849); *Imrei Bina* (Jerusalem 1837); *Matok mi-Devash* (Jerusalem, 1842). See Y. Gelis, *Encyclopedia le-Toldot Hakhmei Erez Israel* (Jerusalem, 1977.)
- 63 Rabbi Raphael Meir Panigel, (1804-1893), born in Bulgaria, immigrated to *Erez Israel* when very young. In 1880, appointed *Rishon le-Zion*; in 1890, the Turkish authorities appointed him *Hakham Bashi*. Author of *Lev Mapeh* (the initials of his name), 1887. See also A. M. Luncz, *Yerushalayim*, 4, 1892, pp. 214-5.

Mordehai Navon,<sup>64</sup> Rabbi Jacob Saul Elyashar and Rabbi Abraham Ashkenazi.

The *Edut le-Israel* tried to quash rumours, disseminated by "people who wish to destroy the community,"<sup>65</sup> about the rabbinical attitude towards the hospital. According to the pamphlets, these rumour-mongers claimed that a *takkanah*<sup>66</sup> which Rabbi Gagin had enacted earlier forbidding the use of the hospital did, in fact, permit its use if this was done in a discreet manner. This was untrue, declared *Edut le-Israel*, and those who defied the prohibition were subject to excommunication. The rabbis quoted from missionary publications, which had boasted of their successes among the Jews of Jerusalem, to prove that the ultimate aim of the missionaries was not to cure physical sickness, but to destroy Judaism. The missionaries, in the words of *Edut le-Israel*, "have caused these [converts] to be dipped in their bitter waters" i.e. to be baptized.<sup>67</sup>

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64 Rabbi Benjamin Mordehai Navon, 1788-1851, kabbalistic and halakhist, head of the *Midrash Hasidim Kehillah Kedushah, Bet El* - a kabbalist group. Rabbi Navon was deeply involved in community affairs and assisted Israel Bak in establishing his pioneer printing press in Jerusalem in 1841. Navon wrote many works, some published under the title *Benei Binyamin*, 1876, by Rabbi Jacob Saul Elyashar, who was his stepson and devoted student. See also M. Benayahu in *Sinai*, 24 (Jerusalem, 1948/49), 205-14.p. 9.

65 *Edut le-Israel* p. 13a

66 *takkanah*, (pl. *takkanot*) regulation or byelaw supplementing the law of the Torah; also regulation or byelaw governing the internal life of the community.

67 *Ibid.* p. 13b.



Throughout the turbulent relationship between the Jewish *Yishuv* and the missionaries, there were always individuals - and sometimes even groups within the community - who accepted missionary aid in the face of the disapproval of most rabbinical authorities, who generally opposed missionary assistance of any sort.

The *Edut le-Israel* names Rabbi Moshe Turgeman as such a renegade. For a time, Rabbi Turgeman had been the leader of the *Moghrabi* community - those Sephardi Jews who came from North Africa - in *Erez Israel*. Some years earlier, according to the *Edut le-Israel*, Turgeman had offended the French Consul who, in turn, exercised his substantial powers and sought the extradition of Rabbi Turgeman and his son to be judged in France for this offence. Rabbi Gagin, the *Hakham Bashi*, intervened on behalf of Turgeman and the Consul agreed to drop the action. However, the scandal affected Rabbi Turgeman's status within his community. Furthermore, the *Edut le-Israel* states,

"Rabbi Turgeman, an old man at this stage, was le astray by his ambitious son who was involved in activities which the *Moghrabi* community frowned upon".<sup>68</sup>

These activities are not specified.

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68 Ibid.

Because of this scandal, according to *Edut le-Israel*, Rabbi Turgeman was removed from office. In search of a livelihood, he became, to the astonishment of many, the rabbi of the Mission Hospital. The *Edut le-Israel* states that Rabbi Gagin asked Rabbi Turgeman to leave the hospital immediately, but Rabbi Turgeman refused.<sup>69</sup> In the words of the pamphlet describing the relationship of Turgeman with the hospital,

"to this day they are sitting in a covenant of love with the missionary doctor, drinking wine, oil and eating meat."<sup>70</sup>

*Edut le-Israel* indicated that Rabbi Turgeman<sup>71</sup> was not the only "fig-leaf" adopted by the Missions in their attempt to legitimize their Hospital in the eyes of the Jewish population. Kosher food and other Jewish ritual requirements were supplied to patients, and this, coupled

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69 Ibid.

70 Ibid.

71 One should treat *Edut le-Israel's* statements about Rabbi Turgeman with some care. There is evidence, albeit tentative, of an intense personal animosity between Rabbi Abraham Gagin, the author of *Edut le-Israel*, and Rabbi Turgeman. At the time, Turgeman's *Moghrabi* community was striving to become independent of Gagin's larger Sephardi community. See Gat, p. 127. In 1849 Rabbi Eliezer Bergman, who was involved in assisting the *Moghrabi* community, wrote to Abraham Laredo, referring to Rabbi Moshe Turgeman as "kavod morenu ha-Rav" - i.e. "his honour, our master the Rabbi." See Y. Bamai, *Ha-Eda ha-Ma'aravit bi-Yrushalayim ba-Me'ah ha-Tesha Esrei*, in *Perakim be-Toldot ha-Yishuv ha-Yehudi bi-Yrushalayim* (Jerusalem, 1973) Vol. I, p. 129; also J. Ziv, *Teudot Hadashot le-Toldot Kehillot ha-Moghrabim*, *Perakim be-Toldot ha-Yishuv ha-Yehudi bi-Yrushalayim*, Vol. II (Jerusalem 1976), p. 127ff.

with the understandable urge of the sick to seek a cure, proved stronger than the influence of rabbinical injunctions and edicts. It became a common, if not accepted, fact that many Jews in their hour of need used the Mission Hospital in defiance of the rabbinical injunctions.

The rabbis escalated the struggle by forbidding local Jewish butchers from supplying the hospital with meat. Obviously, observant Jews who were hospitalized at the Mission Hospital were unable to eat any of the meat provided by the hospital itself, and for a short period, this ban on the supply of kosher meat proved effective, reducing the number of patients.

Undeterred, the Mission Hospital hired a *shohet* (ritual slaughterer) who slaughtered the meat in accordance with Jewish religious requirements for the Jewish inmates of the hospital. This *shohet*, identified in the *Edut le-Israel* as Mimun Peziza,<sup>72</sup> was reviled and portrayed as low-class, dishonest, and rapacious.<sup>73</sup> He was evidently well paid for his services and was willing, in spite of rabbinic edicts

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72 Ibid.

73 Ibid. A letter written in 1849 by the leaders of the *Moghrabim* to their sympathizer - the merchant Abraham Laredo of Gibraltar, who was instrumental in transferring funds from North Africa to the *Moghrabim* via Gibraltar and Beirut - provides a stark contrast to *Edut le-Israel*'s description of Peziza. In this letter, Peziza was described as

"the rabbi, his honor, our teacher -  
*morenu* - the rabbi Mimun Peziza."

and prohibitions, to serve the Mission Hospital. So powerful were the passions when he persisted in defying the rabbis that the Mission Hospital, fearing for his physical safety, hired a non-Jewish guard to accompany him so that those who were "faithful to the word of God" would not injure him.<sup>74</sup>

At one point, according to *Edut le-Israel*, the reviled Peziza repented and applied to Rabbi Gagin for a written recommendation which would facilitate his new endeavour: collecting charity for the *Moghrabi* community among Jewish communities in Western Europe.<sup>75</sup> Rabbi Gagin accepted his protestations of repentance, and, armed with the required recommendation, Peziza went as a *shadar*<sup>76</sup> to Western Europe.

74 Ibid. p. 13.

75 Ibid. p. 18.

76 *Shadar*: a shortened name for *Sheluhei de-Rabannan*. This name was given to emissaries from *Erez Israel* sent abroad to raise funds for the community. This tradition of fund-raising has roots going back to the period after the destruction of the Second Temple, where emissaries were sent in groups. See Jerusalem Talmud (Hor. 3:7, Pes. 4:8). The tradition ceased for several hundred years, but was renewed after the Arab conquest of *Erez Israel* in the 630's, when emissaries were sent by the *geonim* and heads of the academies. The leaders of the Jewish community in Amsterdam succeeded in 1824 in abolishing the tradition of sending emissaries to all the communities in Europe. They set up a permanent center in Amsterdam for contributions to *Erez Israel* - called *Hevrat Terumat Kodesh* (society for holy contributions), however this name was abandoned and the institution became known as *Pekidei u-Mashgihei ve-Amarkalei Erez Israel* (officers, overseers and treasurers of *Erez Israel*). Zevi Hirsch Lehren headed the fund for many years. Lehren firmly controlled and prevented emissaries from operating in Western Europe. See also A. Ya'ari, *Sheluhei Erez Israel*, (Jerusalem 1951); N. Benayahu, *Ozar Yehudei Sefarad*, 2 (Jerusalem 1959), 77-81; 5 (1962), 101-8. p. 12

Once in Western Europe, however, Peziza turned against Gagín and libelled him along with the other rabbis of *Erez Israel*. *Edut le-Israel* does not detail these libels, but accuses Peziza of trying to persuade the Diaspora communities to give all the funds collected for Palestine to him - Peziza - rather than directly to the rabbis in Jerusalem. Peziza even went so far as to write to Rabbi Zevi Hirsch Lehren, of the *Pekidim* and *Amarkalim* Society in Amsterdam, libelling the rabbis in Palestine.<sup>77</sup>

According to *Edut le-Israel*, Peziza wrote

"to the Prince of the Land ... Zevi Hirshel Lehren, and it too was full of libel, defamation and abomination, and lies, untruths and disgraceful [stories] about..."<sup>78</sup>

Rabbi Gagín and about several other rabbis.

In those days, communications were so slow that the rabbis were concerned that in the months it took to respond to Peziza's libels, such stories might gain credence. In their own words, their fear was that

"something of this will enter their [the Diaspora communities'] hearts and the flow of plenty would cease, and we would [thus] see the abandonment of our Holy Land."<sup>79</sup>

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77 Ibid. p.21

78 Ibid.

79 Ibid.

In order to deal with Peziza and his rumor-mongering, the rabbis of Jerusalem placed a *herem*<sup>80</sup> on anyone disseminating lies and libels against the rabbis in Jerusalem or the Jewish community in *Erez Israel*.<sup>81</sup> The *herem* also tried to prevent any usurpation of rabbinical authority by declaring that any document that did not bear the original signature of Rabbi Gagin was not valid. There is an interesting description of the ceremonious declaration of *herem* against Peziza:

"Therefore all the Sephardi rabbis of Jerusalem gathered together in the Great Synagogue on the 14th day of the month of Av and lit candles and excommunicated. . . those people who

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80 *Herem*: states that which is separated from common use or contact because it is proscribed. (c.f. Arabic *haruma* "be forbidden"; *harim* - women's quarters). The *herem* of Ezra is the first indication of a *herem* operating by way of excommunication. See Ezra 7:46. A person on whom a *herem* was placed was subject to extreme hardships within the closed Jewish community: "expulsion of his children from school and his wife from synagogue; prohibition against burial and according him any honor due to the dead (*Shulhan Arukh* YD. 334:10; *Rema* YD. 334:6); he was to be treated as a non-Jew, his bread and wine were forbidden like those of a heathen, his *zizit* (ritual fringes) were to be cut off, and the *mezuzah* removed from his door. The growth and frequency of the *herem* as punishment was in no small degree due to the role excommunication played as a punishment of the Church. In fact, some of the penances were even borrowed from the practices of the Church. See I. Abrahams, *Jewish Life in the Middle Ages*, 1932. However, it should be pointed out that the *herem* became such a common weapon of the law courts that they lost their force and no longer made much impression. Over the years, and certainly during the period of under discussion, they became a standard rabbinical knee-jerk reaction to any form of deviation or non-conformity, and were often ignored. See also S. Saff, *Ha-Onshin Aharei Hatimat ha-Talmud* (Jerusalem, 1922), p. 106.

81 *Ibid.*

were libelling the rabbis and particularly they named Mimun Peziza."<sup>82</sup>

Excommunications and edicts seemed to have only short-term effect; the sick continued to flock to the Mission Hospital.<sup>83</sup> Eventually the rabbis decided that it was impossible to fight the institution with words alone and wrote to Sir Moses Montefiore asking him to send doctors and money for a Jewish hospital.

It is clear that if the Mission Hospital had not been such a dangerous temptation, a Jewish hospital would not have been established. The position regarding medical treatment in Jerusalem prior to the establishment of the Jewish hospital is described succinctly in a 1845 rabbinical statement:

"Although it has been many years since the *Yishuv* was established in the Holy City of Jerusalem, we have never seen a requirement for a hospital for those members of the Jewish people who are unwell. Anyone who was unwell remained in his house and his wife would serve him during his illness and a doctor would come free, paid by the *Kupah* [sick fund] - *Kupat Bikur Holim* - and it would give him his medicines free and there was no need for such a hospital."<sup>84</sup>

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82 Ibid.

83 See A.L. Tibawi: *British Interests in Palestine 1800-1901*, p. 77, where he states that the missionaries often found their services completely boycotted by the Jews, although in calmer times the primitive and destitute would furtively come back.

84 See A. Morgenstern, "The First Jewish Hospital in Jerusalem", *Cathedra*, volume 33, Yad I. Ben Zevi, (Jerusalem, October 1984), p. 109. See A.L. Tibawi, *British Interests in Palestine 1800-1901* (Oxford, 1961), p. 100; See Gat, pp. 127, 133-137, Eliav, *Ahavat Zion*

However, the sight of Jews filling the Mission Hospital's beds<sup>85</sup> forced the rabbinical leaders of the community to take action. From their point of view, a Jewish hospital had to be established as soon as possible, and it had to be attractive enough to compete with the Mission Hospital. The new attitude was expressed in a second rabbinical statement published in 1845:

"Therefore we have taken a *Bet Holim* [lit. house of the sick] called hospital and rebuilt it and prepared it and God gave us strength and we finished it so that it was a thing of beauty to the standard of the hospitals in the cities of France. And ours is much more permanent than the other hospital prepared by those of another faith. And already those sick and poor of our brothers of the Children of Israel have been admitted into it."<sup>86</sup>

Meanwhile, the Jewish leadership continued their struggle against the Mission in various ways. In 1845, the *Hakham Bashi*, Rabbi Abraham Hayyim Gagin, refused to accept for burial the body of a Jew who died in the Mission Hospital. Notwithstanding the personal intervention of the British Consul, William Young, the Jewish authorities refused to

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pp. 287-295. Naturally, this description of an adequate health service does not explain the popularity of the Mission Hospital.

85 There was another Christian hospital in Jerusalem - that of the Russian Orthodox Church - but it did not present any spiritual threat as it was open to all except Jews and was in the main attended by local Muslims. See Derek Hopwood, *The Russian presence in Syria and Palestine 1834-1914, Church and Politics in the Near East* (Oxford, 1969.)

86 Ibid. p. 111.



relent, and the Consul ordered the Jew to be buried two days after his death in the English cemetery.<sup>87</sup> The rabbis described how:

"in these days, it happened that a Jew died in their [the missionaries'] hospital and we, both Sephardim and Ashkenazim, and the heads of all the *kehillot*, decided to precipitate an uproar by refusing to bury him in a Jewish cemetery, . . . so that all the people . . . will be warned and will not continue to visit there."<sup>88</sup>

Soon after this event, action against the Mission Hospital was escalated again. On January 25, 1845, a formal *herem* was declared by all the synagogues of Jerusalem against all Jewish workers who were employed by the Missionary Hospital and against all those who entered into the hospital.

The Ashkenazi *herem* read as follows:

"All Israel shall hear and fear.

"As the horribleness in Israel upon Mount Zion was clearly seen, from the affairs of the Freemason's Hospital, whose whole object, wish and desire by it is, to bring the souls of our brethren of the house of Israel into their uncleanness (may the Merciful One deliver us); therefore, the chief, wise, great and learned men of the holy congregation of the Sephardim, met together with the chiefs and leaders of the holy congregations of the Ashkenazim, *Perushim* and *Hasidim*, who reside here in Jerusalem our holy and

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87 A. Morgenstern, *The First Jewish Hospital in Jerusalem*, p. 113.

88 *Manifesto Bat Kol Yozet me-Har ha-Kodesh Yerushalayim* (Jerusalem, 1845). See Morgenstern, *The First Jewish Hospital in Jerusalem*, *Cathedra*, 33, 1985, pp. 120-122

glorious city (May she be built and established!) and at the head of the meeting was also the highly honourable and wonderful Rabbi, who is full of the glory of the Lord, famous in piety, the crown of our heads, the First in Zion (May the Lord keep and preserve him!), and all agreed to proclaim in the camp of the holy congregations above mentioned, as follows:

"By the power of our holy law, and the might of the holiness of Jerusalem our holy city with as a heavy anathema as that of Joshua the son of Nun, and as that of Rabbi Gershon, we give notice that no man shall dare enter the hospital above mentioned, whether a patient for his recovery or a healthy person to serve there. Let both men and women take warning by this our edict. We also inform all our brethren of the house of Israel, that whosoever shall enter the said hospital, their meat and drink shall become, through a heavy excommunication, as unlawful food. - their bread and wine shall become as the bread and wine of the idolater. - all their dishes unlawful. He also will be excluded and completely separated from the congregation of Israel, his children will not be circumcised (amongst the holy assembly neither will he be called up to the reading of the law), nor shall he have any part in the God of Israel, he will also not be purified, after his decease, by Jews, nor buried in their burial ground.

"We caution, also, the *Shohatim* of all the congregations, not to kill a fowl for those of the house of Israel, who shall enter the said hospital. Likewise, we charge our vendors of meat, by the same power not to sell meat to any man or woman, who shall enter the hospital; should, they, however, by any device get meat from our vendors, then the dishes will be unlawful, the man or servant through whom they got it incurs the above mentioned curse. All the above mentioned curses shall rest, likewise upon every one, who will advise or induce any of the children of Israel to

enter the said hospital; but ye brethren of the house of Israel, who cleave to the Lord, hear and your souls shall live.

"Whosoever shall transgress this our Edict, renders himself liable to all the penalties above mentioned; but good blessings and prosperity will come upon those, who hear our words; may the merits of our brethren, the house of Israel, and of Jerusalem our holy and glorious city, defend us, that none of us should be led astray. Amen, and so be the will of God.<sup>89</sup>

The official forum for the reading of the text of Ashkenazi *herem* was the *Bet Midrash*<sup>90</sup> *Menahem Zion* in Jerusalem.

Simultaneously the Sephardim in their main places of prayer heard the *herem* being pronounced:

"You have already seen Sirs, the sad week we have had on account of the Jew, who died in the hospital of Freemasons [i.e. infidels] whence he was carried to their own burial-place, and there he was interred by Christians (the Merciful One deliver us); for, having a Jewish hospital of our own, he ought not to have gone to them, and for this reason we refused to receive him. Now, therefore, all the people shall hear and fear the following notice and warning: that from this day forward no child of Israel, whether a man or a woman, is allowed at all to go into the hospital of the Freemasons, and if he should go, then according to this judgment [i.e. the refusal of the Jewish interment] shall it be done unto him.

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89 F.O. 78/625 Enclosure to No. 43 Hyamson, Vol. I p. 71. See also A. Morgenstern, *The First Jewish Hospital in Jerusalem*, p. 113.

90 *Bet Midrash*: school for higher rabbinic learning, often attached to or serving as a synagogue.

"Moreover, notice and warning is hereby given, that no child of Israel, whether a man or a woman, is permitted to be employed in the service of the said hospital, and if anyone transgress these our words, then shall his sons not receive the rite of circumcision, and no lawful meat shall be given to him - not into his hands nor into the hands of any other, not even a lawful fowl. Notice has been already given to the vendors of [lawful] meat, as well as to the *Shohatim* [slaughterers], not to sell him any meat, nor kill for him any fowl. But should anyone guilefully bring to him any meat or fowl, let him know that we shall pronounce it unlawful, and it shall be as if he would eat carrion and unlawful meats. The wine also, which he will drink shall be wine of libation [i.e. unlawful].

"All this we do for the love of God, and in order to deliver our brethren of the house of Israel, that no one of us should be led astray. Therefore, "he that heareth let him hear, and he that forbeareth let him forbear"; and the blessings of the law shall rest upon the head of him who will obey us; for he thus proves to be a true child, and obeys the words of the wise men. And by this merit the Lord (blessed he) will keep us from all evil, and will speedily hasten to redeem us, soon, and in a short time. So be the will of God."<sup>91</sup>

If nothing else, the missionary threat served to temporarily unite the disparate and often quarrelsome Ashkenazi and Sephardi communities in *Erez Israel*. The *herem* was strictly enforced.<sup>92</sup>

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91 F.O. 78/025 Enc. to No. 43 Young to Aberdeen, Hyamson, Vol. I, p. 70.

92 The restrictions on burial raised a perplexing dilemma for the missionaries: if Jews who died in the Mission Hospital could not be buried as Christians - for they were not Christians - and were refused Jewish burial by rabbinical edict - were they not to be buried at all?

This herem was apparently successful, for

"when they [i.e. the Jews in the hospital] saw that evil attached to them on all sides, they escaped outside and left the house empty from Jews, and there is not even one [left in the hospital]."93

From the middle of the century, when one economic crisis after another engulfed the Yishuv, the missionaries also

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See Appendices IV and V for correspondence on this subject.

93 Morgenstern, *First Hospital* p. 123 This is confirmed by a missionary report:

"an anathema was twice published against the Jews who should enter, or serve in the Hospital. It was, for a short time, consequently deserted both by the patients and the Jewish attendants;... The necessary effect of these sad hindrances has been a marked decrease in the number of Jewish patients during the present year [1846] the Chief Rabbi has redoubled his efforts and even persuaded the Pasha to interfere;..."

[H. Smith, The Protestant Bishopric in Jerusalem, B. Wertheim, (London: 1847), p. 159.]

Also see F.O. 78/755 (no. 24), dated 31 July 1848 (Finn to Palmenton):

"...The Chief Rabbi requested to have the body of the Jew who was shot in the autumn of 1846, by a Turkish soldier, but whom his predecessor had refused to have interred among his people, because this victim had been known to frequent the houses of Christian Missionaries..."

provided employment at a time when it was impossible for many to earn a living.<sup>94</sup>

The *Perushi* leaders told Rabbi Jacob Ettlinger,<sup>95</sup> Rabbi of Altona, that in 1854 starvation had taken such a toll that

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94 In a letter written by Mordehai Zoref to his father, Abraham Zalman Zoref, in 1845 there is a description of how one such apostasy took place:

"there are many that, under the duress of penury, have gone against their own thoughts and the thoughts of their Creator. As you know, one of them is Hayyim Yaakov, who is now in London, and who regrets his evil ways. And I know that this man, so long as he had the work. . . used to work and used to provide [for his family]. And when he had no more work in building, he used to go by foot to deliver letters to Safed at a very low fee just in order to keep body and soul together, and this caused him to become the emissary of the *apikorsim* [i.e. heretics - referring to the missionaries] and afterwards he became tempted by them and he told me specifically 'What can a man do? A man cannot allow himself to die. . . .' And I said to him 'you should beg from house to house.' And he said to me 'not everyone can withstand such trials.'"

See *Zion Me'assef A*, (Jerusalem, 1926.)

95 Rabbi Jacob Ettlinger, (1798-1871), a spiritual leader of the Orthodox mainstream in Germany. In 1836, appointed to be the chief rabbi of Altona, a post he held until his death. He established a *yeshivah* in Altona, which produced some eminent rabbis, among whom was Israel Azriel Hildesheimer. An outstanding halakhist, Ettlinger published many important works, the most significant of which were *Arukh la-Ner*, 1850 (2nd part 1855, 3rd part 1858, 4th part 1864), *Binyan Zion*, responsive work published in 1868, and sequel *She'elot u-Teshuvot Binyan Zion*, (Vilna, 1874). See also A. Pozner and E. Freimann, in L. Jung (ed.), *Guardians of Our Heritage* (London, 1958), p. 26.

"a father was prepared to sell his son to a nation of foreign faith for a loaf of bread."<sup>96</sup>

The *Perushim* described the awful Jewish poverty of the time, and how a father had been driven to turn his son over to the missionaries so that they would feed him:

"the poor man, whose name was Bekhor Bilu, seeing his children [were] wrapped in famine - the father took his little son on his back to go with him to sell him. . . [to the missionaries] for a loaf of bread. . . . A shopkeeper, whose name was Zuriel Kabili, found him and gave him one *grush* and spoke to him and comforted him and the man went and bought himself bread for his family for one day and one night and this was on 13th Shevat. . . may the Lord have mercy upon the impoverished of his people."<sup>97</sup>

The rabbis referred to the:

"sect of provocateurs - the missionaries whose net is spread"<sup>98</sup>

and again:

"the duress of famine causes men to commit crimes [against the Faith] for even a loaf of bread and our enemies laugh at us."<sup>99</sup>

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96 Printed in *Shomer Ziyon ha-Ne'eman*, No. 172, p. 349, 8 Adar 1854.

97 Ibid.

98 Ibid.

99 Ibid. The letter, signed by the rabbis and leaders of the *Kolel* of Sephardim and the *Kolel* of the people of HoD (*Kolel* Holland and Deutschland), was published in *Shomer Ziyon ha-Ne'eman*, the Hebrew supplement of the German language Orthodox magazine called *Der Treue Zion's Waechter*. The periodical appeared irregularly

The effects of the famine on the Jewish community in Jerusalem was described vividly:<sup>100</sup>

"Let us go out to the field outside the gates of Jerusalem one hour's walk, and you will find there more than seventy people, Ashkenazim, old men and youths, precious people, amongst whom are scholars, men of integrity, who in their town abroad were respected, satisfied for bread, some who used to be wealthy and used to be hospitable to guests abroad, and here they are, coatless, barefooted, bare armed, some burnt by the sun, tanned by the sun, doing work underneath the heavens in the extreme heat: [they are doing] the work of the English Consul who is making. . . gardens and other pleasures for mankind, and an apostate policeman oversees them and works them hard for three or two piesta (this half or a third of an English shilling) for one whole day from morning till evening, a sum which will not be sufficient for even a small amount of bread for a single man in these days. And the Consul boasts that, out of his charity, bread is given to the Jews in Jerusalem."<sup>101</sup>

The letter implicitly remonstrates with the Jews of Germany:

"how far gone has the disgrace and shame of the House of Israel that the sect of seducers [i.e. the missionaries] who obtain abundant help from their Society abroad. . . give bread twice a week to some poor unfortunates who have removed from themselves the veil of shame to

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between 1846 and 1856. This letter was printed in 1854 and the periodical was edited by Rabbi Jacob Ettlinger, Altona.

100 In another letter, also published in *Shomer Ziyyon ha-Ne'eman* (S. Z. N. No. 180, p. 358.) See also Eliav, *Ahavat Zion* p. 62.

101 Ibid. p. 359.



take loaves of bread. . . . All their [the missionaries'] actions are to further their own aims - the aim of stealing the hearts of people, for they can boast that they are feeding all the Jews in Jerusalem. . . and everyone knows that they also trap the hearts of the Children of Israel in order to seduce them, etc. and because of this we are covered with shame, we have suffered disgrace."<sup>102</sup>

In spite of the acrimony between the missionaries and the rabbinic leadership, certain formalities were observed by both sides in this struggle for the hearts and minds of the Jews in *Erez Israel*. In an effort to distinguish between Missionaries and other Christians, a Rabbi Tukechinski wrote an open letter in the newspaper *Ha-Zevi* on behalf of Rabbi Samuel Salant and other rabbis:

"In the initial warnings, given on behalf of the rabbis of the Sephardi and Ashkenazi communities - which had the intent of distancing our brothers, the Children of Israel, from the sect of the seducers - there were made statements that a few eminent Christians - among them that most honest of men the Consul to the British Government - found them offensive to. . . the Christian people. Therefore, I have been ordered by the honorable rabbis and in particular by Rabbi Samuel Salant , to announce publicly that all the antagonism of our brothers, the Children of Israel, is only to the Seducers [i.e. the missionaries], for we are enjoined by our Torah to distance ourselves from them in every possible manner and it is the duty of the rabbis to warn the people that they should take care lest they be caught in their trap. But there was no intent to impugn the honor of the

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102 Ibid.

Christian nation, and this was not in the mind of any one of the rabbis or any one of the community. . . ."103

Obviously, it was not in the real interest of the Jewish community to antagonize friends and protectors such as Consul Finn and other Christians who were actively assisting the Jewish community in many vital matters.<sup>104</sup>

The struggle against the Mission continued throughout the nineteenth century. The newer generation of rabbis carried on the fight against the Missions.<sup>105</sup> In 1897, there was a renewal of the then-50-year-old *herem*. This renewed *herem* was issued by the Great *Bet Din* of Jerusalem and forbade any Jew from entering the hospital of "the Seducers." In

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103 Quoted in: P. Grayevski, *Milhemet ha-Yehudim be-Mission*, (Jerusalem, 1935), p. 47. In fact there were complaints that Finn was involved in the proselytization of the Jews. Finn had to fend off accusation that he had been overzealous in promoting Christianity amongst the Jews. In June 1849 he asserted to the Consul Moore "I repeat that I never used consular influence as a means of proselytizing; or have any intention to do so..." (F.O. 78/2068 (No. 32 Enc. 2 to No. 76) 27 June 1849, Finn to Moore, Hyamson Vol. I p. 127).

104 Interestingly, the head of the Mission in Jerusalem sent a letter to the paper *Ha-Zevi* in which he states on behalf of the missionaries that "no one of us is upset by the rabbis and others who do all they can within their moral and religious power to prevent the people from coming to us and from using our doctor and our medicines. . . I am grateful to the honorable rabbis and other important people for the promise that the opponents of the Mission will be prevented from going in the ways that they have been going in the last few days and will refrain from using violence but will attempt words suitable to these enlightened times. . ."  
Signed A. Hasting Kelk.

105 The Jews became more skilled in repelling attacks on their religion and utilized Turkish laws to fight the missionaries. See Tibawi p. 152.

particular, it forbade Jews from entering the hospital built outside of the town, where nobody was able to see their comings and goings. The *Bet Din* reiterated the prohibition against *shohatim* slaughtering for the hospital and on merchants selling or providing any kosher meat to the hospital. Moreover, the prohibition was supported by the ruling that *shohatim* who provided ritually slaughtered meat to the hospital would forever be regarded as producing *treifa* (non-kosher) meat.<sup>106</sup>

The missionary schools<sup>107</sup> - the first was established by Gobat in 1847 - after mid-century, offered a further temptation to the Jewish population. By that time, many Jews were sophisticated enough to understand the advantages of a good secular education. Rabbi Elyashar vilified those

"who give over their daughters and their sons to the Moloch [by giving] them over to the school of the Seducers . . .  
,"<sup>108</sup>

Rabbi Elyashar published the following edict:

"I, the *Rishon le-Zion*, decree. . . that no Son of Israel will enroll his sons or his daughters in. . . the schools of the seducers and in particular their school outside the town, for they trap innocent souls. . . ." <sup>109</sup>

106 Grayevski, *Milhemet*, p. 47.

107 See Appendix VI for the British Consulate's description of the Jews in the Mission Schools.

108 Grayevski, *Milhemet*, p. 22.

109 Ibid.

Rabbi Elyashar repeated the previous warnings given by the earlier rabbis:

"anyone who transgresses this edict by entering Israelite souls in these schools, or anyone receiving from them charity is hereby excommunicated, in the same way as Joshua ben Nun excommunicated Jericho, and he is separated and excluded from the community of Israel. . . ."110

Rabbi Elyashar also denounced Jews who collaborated with the missionaries:

"we shall do everything we can to fight<sup>111</sup> against them [the Jews associated with the missionaries]. If they have children, there will be no one to circumcise them; if they get married, they will find no one to marry them; if they die, they shall not be buried. The girls will be considered totally non-Jewish and their sons will not be allowed to take Jewish women, and they will be like a different nation separated from the whole of Israel."112

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110 Ibid. p. 21

111 The missionaries and the British Consulate did not approve of Rabbi Elyashar and urged his removal. A letter from John Dickson (F.O. 195/1984 [No. 53]), dated 21 October, 1887, described Jewish reaction to the hospital. The boycott described shows how effective such *haramot* could be (See Appendix VII.) Dickson suggested that:

"I would accordingly suggest that the Chief Rabbi be removed by the Porte from his post, which will have a salutary effect on the Jewish Community in this city...."

112 Ibid.

Such edicts placed a serious social stigma on anyone who associated with missionaries and apostates. At times, the stigmatization extended to Christian institutions which were not necessarily involved in missionary activities. For example, as the missionary threat and the accompanying anti-missionary fervour reached a climax in the 1860's, the livelihoods of many Jews were seriously affected by the extreme demands of some anti-missionary groups, who demanded a total boycott of all Christian groups - even those not associated with missionary activities.<sup>113</sup> In the *responsa*

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113 There was a standing *herem* against supplying the missionaries with goods and services available through the Jews. For example, Rabbi Elyashar learned about a *hazer* being offered for rent in Safed.

"It became known to me that the aforementioned *hazer* was going to be rented out to the missionaries who wished to ensnare precious souls, and I immediately ordered [the owner] to refrain from letting it, and he accepted my words at once...."

*Yissa Ish* (Jerusalem, 1876), p. 10b.

of Rabbi Yehoseph Schwarz,<sup>114</sup> *Sefer Divrei Yosef*,<sup>115</sup> the author is asked a question by one Shlomo Lebrecht

"who works as a binder, printing press of the Greek cloisters [i.e. the press of the Greek monastery] and who got a monthly wage [from the monastery]. . . and now that all his household has fallen ill. . . they [the Greeks] lent him, paid him. . . 600 *grush* as an advance to be taken off afterwards from his wages. . . so that every month 100 *grush* was to be paid towards the debt. And now extremists are threatening him. . . they will force him not to work there any further."<sup>116</sup>

How, Lebrecht asked, was he to repay his debt if he was unable to continue to work for the monastery? Rabbi Schwarz was asked to adjudicate.

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<sup>114</sup> Yehoseph Schwarz (1804-1865), born in Floss, Bavaria. Schwarz studied at the University of Wuerzburg, devoting himself to the understanding of the Bible and the oral tradition. He settled in Jerusalem in 1833 and lived there until his death. Rabbi Schwarz was one of the first Jews to devote himself to the study of the topography of the Land of Israel. In 1845, he published *Tevuot ha-Arez* in Jerusalem. Among other matters, it deals with the division of the country according to the Bible and rabbinic tradition: geographical names in the Bible, Jerusalem, and the Temple Mount. Schwarz headed a yeshiva in Jerusalem, and further published a work on *halakhah* and *aggadah* in *Sarei ha-Me'ah* (Jerusalem, 1861), and the *Responsa* work *Divrei Yosef* (Jerusalem, 1862).

<sup>115</sup> Israel Bak Press, (Jerusalem, 1862).

<sup>116</sup> Y. Schwarz, *Sefer Divrei Yosef* (Jerusalem, 1862), p. 114.

Apostates were especially despised<sup>117</sup>. For example, in the *Ohalei Yosef*<sup>118</sup> there is a debate whether one could accept charity from non-Jews. This debate was left open.<sup>119</sup>

However, the rabbis were clear and decided on the proper

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117 There were many reported incidents of Jewish hostility to converts. James Finn wrote to Viscount Palmerston in April 1850:

"Reporting a visit paid to Safed, on account of a Jewish person under British protection, having been beaten by a crowd of Jews for declaring his belief in Christianity. I took two prisoners with me to Tiberias, but released them after their fines had been paid. Their removal and imprisonment were keenly felt by themselves and by the fanatical sect [the *Hasidim*] to which they belonged."

(F.O. 78/839 No. 7. Hyamson, Vol. I, p. 166)

Earlier in June 1849, Finn wrote to Moore (the acting British Consul General):

"I ought to add, that the insolence of the fanatical Jews had lately become very troublesome to converts to Christianity - who are often spit upon, cursed, and reviled by filthy epithets in the streets and outside the city. These persons institute no vindictive proceedings in return, but as a respectable converted Rabbi, lately said to me, - 'we look upon it as our lot to bear' - In one case however I found it necessary to punish an offender with a few hours' imprisonment which has had a salutary effect in general: but if the fanatical populace obtain that victory of temporary clamour over Truth, which seems impending, no doubt such offensive conduct will be greatly increased."

(F.O. 78/82068 No. 32.) (Enclosure 2 to No. 76 Jerusalem 27th June 1849.) See also Appendices VIII, IX, and X.

118 Written by Rabbi Eliyahu Joseph Rivlin, published Jerusalem, 1868.

119 Ibid. Mark 23.

relationship with a Jewish apostate; no money whatsoever was to be accepted from an apostate, as he is "a . . . danger".<sup>120</sup>

Apostates could not be counted towards any religiously required quorum.<sup>121</sup> This applied to such quorums as *mezuman*<sup>122</sup> or *minyan*,<sup>123</sup> and was considered a profound insult.

The apostates were viewed in a much more pejorative light than the missionaries themselves. It was permissible to argue with a missionary if the missionary himself initiated the argument,<sup>124</sup> but apostates were to be ignored altogether.<sup>125</sup> Furthermore, when a apostate performed a ritual act such as *shehitah* (ritual slaughter),

"it is forbidden to eat from their *shehitah*, even if it was executed according to the *halakhah*".<sup>126</sup>

There is evidence that some apostates could not bring themselves to abandon Jewish customs. Many continued to eat kosher food, and so

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120 Ibid.

121 *Mishmeret ha-Brit, Hilkhoh Minim, Section 17, p. 39a.*

122 Three-man quorum required to say grace after meals.

123 Ten-man quorum required for public prayer.

124 *Sefer Mishmeret ha-Brit, Hilkhoh Minim, Section 2, p. 35b.*

125 Ibid. Section 3.

126 Ibid. Section 4.



"a Jew is allowed to perform ritual slaughter for them . . ."127

However, a Jew who ate from food that an apostate had prepared

"is as a person who has eaten pork".128

Apostates were so despised that a Torah scroll (*Sefer Torah*) from their hand could not be buried, as is normally done with *Sifrei Torah* that become unfit for ritual use, but must be burned:

"Even if the apostates wrote a *Sefer Torah*, it has to be burned ... however, if there is found a *Sefer Torah* in their place and it is unknown whether they wrote it or whether it was kosher from the beginning, one cannot use it for reading [the Torah] and it needs to be put away in a *genizah*."129

As noted earlier, it was forbidden to accept charity from apostates,<sup>130</sup> and they could not be visited or met on a socially.<sup>131</sup>

The outcast status of an apostate reflected on his family and associates, particularly if they maintained financial or other connections. For example, there was a group of Jews from Tiberias who for several years had formed a *minyan* to

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127 Ibid. Section 4.

128 Ibid. Section 5.

129 Ibid. Section 5, p. 36a. *Genizah*: depository for sacred writings that can no longer be used.

130 Ibid. Section 11, p. 37b.

131 Ibid. Section 15, p. 38b.

say *tikkun hazot* together. They discovered that one of their number, "a poor man ... unable to do any work,"<sup>132</sup> was supported by

"his apostate brother, whose name was Samuel and who lived in the holy city of Jerusalem and who was wealthy"<sup>133</sup>

The group requested that Rabbi Elyashar decide whether they could continue to pray with this man whose livelihood depended on an apostate. Eventually, Rabbi Elyashar ruled that the man should not be excluded from the *minyan*.

Other problems arose within the families of apostates. In a previously unpublished *Responsum*<sup>134</sup> (see Plate III), there was a debate within a *Bet Din* regarding the veracity of a statement by a woman who claimed that her husband was killed and that she was thus free to remarry. The rabbinical court which heard the claim suspected that, as the husband was a convert to Christianity, it was possible that

"she hates him and wishes to marry another."<sup>135</sup>

It was felt that this ulterior motive could have influenced her testimony about his death. In this particular case, the woman proved to the satisfaction of the rabbinical court

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132 Jacob Saul Elyashar, *Responsa Avlat Ish* (Jerusalem, 1879), p. 4.

133 Ibid.

134 J.N.U.L. Manuscript Archives 40/1203. See Plate III.

135 Ibid.



that she was unaware of her husband's conversion. It is possible that he had converted secretly and did not inform her.<sup>136</sup>

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136 Missionary activities inevitably caused a rift in many families. Sometimes the missionaries behaved in a high-handed manner, preventing spouses on the verge of conversion from seeing each other and keeping children away from their parents. At one point, Rabbi Gagin requested the assistance of the British Consul:

Monsieur Le Consul,  
J'ai l'honneur de vous informer Monsieur le Consul que se trouvant ici un Juif sujet Autrichien epouse avec une femme Juive et ayant entendu que son mari veut la decider pour se faire Protestante, hier je l'ai envoyee chercher pour lui demander si elle avait plaisir de changer de Religion, mais il n'a pas ete possible de pouvior la voir, le meme jour j'ai envoye chez elle Mr. Joseph Amglek et son frere et d'apres ce qu'elle a dit, ils ont compris que son Mari veut la faire Protestante, mais la susdite femme, n'ayant pas une telle inclination je pense qu'il n'est pas convenable de faire un pas semblable. Etant une femme juive il est de mon devoir de recourir a vous Monsieur le Consul pour vous prier de me l'envouer chercher par votre moyen afin que je puisse l'interroger sur ce propos, car si elle a envie de se faire Protestante personne ne peut l'empecher, en la forcant elle ne fait pas ce changement sans doute, par consequent je renouvelle mes prieres afin que vous donniez l'ordre de l'envouer chercher.  
Jerusalem 22, Chaban 1859  
ou 17 Sbre 1843  
Signe, Mourcada Am. Kakin, [Sic]  
Rabin de Jerusalem

F.O. 78/540, Young to Aberdeen

This accusation was received politely but coolly by the Consul who insisted that it was

"not in my power to interfere ...  
because the party in whose behalf the

Another illustration of the contempt felt toward apostates involved Eliezer Ben Yehuda, the Hebrew lexicographer, who

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Chief Rabbi complained was not a British Subject ..."

F.O. 78/540, Young to Aberdeen

In another letter, Young reported the following to Lord Aberdeen:

"Reporting the case of a Jewish convert's two children being withheld from him by his wife. She is supported by the Jews, who refuse to listen to the father. The convert being an Austrian, the British Consul declines to interfere."

(F.O. No. 17 20th June, 1844.) And

"Reporting a case of three Jewish children who were received by the agents of the London Society, and after some time baptised. They are now reclaimed by their father, a Jew. The eldest boy refused to return."

(F.O. 78/581 No. 16 10 June 1844). Or

"A Jew, named Mendel Diness, applied to me for restitution of his wife and child, they being kept from him because he was disposed to embrace the Christian religion. Mr. Diness, with one of my Kawasses, went to Hebron to find and claim his wife and child; but they were 'conveyed to Jerusalem with her infant, through a night of severe frost, by the Drogoman and Kawass of Rabbi Yeshaiah [Bardaki] the Agent for Russian Jews: and all endeavours to find her here proved fruitless. Rabbi Yeshaiah when applied to swore by his head, his child, and the sun, that Diness was a Russian and declared he had sent the wife and child to Jaffa on the way to the Russian Consulate at Beyroot. . . ."

(F.O. 78/803)

edited the newspaper *Ha-Zevi*. He caused a storm when he wrote in 1886 that the Sephardi community employed a secretary (Ben-Yehuda used the term *sofer* - scribe) who was an apostate. To fuel the fire, Ben-Yehuda also apparently stated that the Sephardi community employed the services of the Mission doctor. The Sephardi reaction was predictably extreme, and the Sephardi rabbis promptly banned the newspaper *Ha-Zevi*. In a letter to another newspaper, *Havazelet*, the *Rishon le-Zion* of that time, Raphael Meir Panigel, explained why *Ha-Zevi* was banned. The letter included a Halakhic discussion of various matters relating to missionary activities. Rabbi Panigel had been approached by a Doctor Salvendi,<sup>137</sup> who:

"complains to me that. . . we [Sephardim] have banned the newspaper *Ha-Zevi* because it remonstrated with the Sephardi community that they have a secretary and a *sofer* who is a missionary himself, etc."<sup>138</sup>

Salvendi told the *Rishon le-Zion* that

"it is a shame and a disgrace - a mockery [perpetrated] by the Sephardi community which banned [the newspaper] for telling the truth. Truth should be written for all to see."<sup>139</sup>

Rabbi Panigel denied that there was any truth in the story:

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137 See Eliav, *Ahavat Zion* pp. 73-74.

138 *Havazelet*, 16 (1886), No. 19, p. 148.

139 *Ibid.*

"it is a lie. We did not excommunicate him, we just forbade the reading of the newspaper. And the truth is that he should have been excommunicated and banned for talking against the rabbis of the Sephardim who, while he drinks and smokes cigars, are sitting and learning in the yeshivot."<sup>140</sup>

Rabbi Panigel indignantly responds to Ben-Yehuda's accusations:

"with regards to the terrible accusations with which he is accusing our community that we employ an apostate *sofer* and that the members of the community have, Heaven forbid, started to follow the Mission and its doctors. . . I'm amazed how people can believe his lies. . . . Our *kolel* has no apostate *sofer*. The matter is a lie! and the person to which *Ha-Zevi* referred in order to disgrace our community, this is not the *sofer* of our *kolel* at all, but on very rare occasions he writes for us in order to respond to letters that we receive in the Italian language, and this because we have not found anyone else in his place."<sup>141</sup>

The revulsion felt towards apostates is evident, but the most remarkable part of this public letter is an apparent halakhic about-face by the *Rishon le-Zion*. Rabbi Panigel made a revolutionary ruling that flew in the face of all previous rabbinical decrees. He stated, in effect, that it was the right of every Jew to employ the services of a missionary doctor - even an apostate doctor! - in case of illness:

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140 Ibid.

141 Ibid.

"and regarding what he [the editor of *Ha-Zevi*] wrote regarding the services of the missionaries that people bring to their homes in order to be cured, this is a matter of life and death, and it depends upon the opinion of those who are ill and those who are close to them to decide according to their opinion who is the best, most proficient expert in the lore of medicine. . . . Who is it who can tell them not to bring an apostate doctor if they so choose? If there would be a tragedy, the family would rise and say that the *Hakham* who forbade caused the death because he prevented them from bringing the doctor that they chose. This is against all the halakhic legislators [*poskim*] such as the *Tur* or the *Levush* where they state explicitly that where the doctor is an expert, one can obtain a cure from him . . . . and the doctor of the *Seducers* is well known to be an expert and even the most eminent of the peoples who dwell in our city seek and demand cures from him. . . . and although we've tried hard to stop them from demanding such cures. The use of such [medical help] under duress is not to be praised, but neither is it to be censured, for the person who brings him to his house does so at a time of need because of a risk to life and at a time when he can find no other like him. . . . We cannot prevent them."<sup>142</sup>

Rabbi Panigel even accused *Ha-Zevi* and Ben Yehuda of attempting to promote Hebrew, secularist doctors!

"...who are not experts, so that the [Mission] hospital will be closed and the necessity will force them [the Jews] to seek medicine from these [secular, Zionist doctors]."<sup>143</sup>

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142 Ibid. My emphasis (C.K.)

143 Ibid.



This astonishing statement indicates the intensity of the growing rivalry between the New *Yishuv* of Ben Yehuda and his newspaper and the Old *Yishuv* of the *Rishon le-Zion*. The situation is full of ironies: the chief rabbi defending the use of the Mission Hospital and its doctor against all previous strictures and edicts,<sup>144</sup> and the secular Zionist attacking the Mission doctors and attempting to promote the practices of Jewish doctors. It would seem that the Old *Yishuv* found the New *Yishuv* so offensive that even the missionaries were preferable.

The letter from Rabbi Panigel closed on an ominous note, reminding Ben Yehuda of the legal powers of the *Hakham Bashi*:

"regarding what your honor [i.e. the above Dr. Salvendi] has requested, not to turn him over to the Pasha and not to inform upon him to the government of Constantinople,"<sup>145</sup>

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144 Perhaps the rabbis distinguished between a person who entrusted his body and soul to the missionaries by admitting himself to their hospital and an out-patient consultation with a recognized expert doctor who happened to be a missionary. Supporting evidence is found in a *Responsum* written by Rabbi Elyashar. Rabbi Elyashar refers casually and without criticism to a Jew who, suffering from severe illness, took advice

"from the distinguished English doctor in his town together with another Jewish doctor, who was also an expert - they were both unanimous in their opinion [as to the course of treatment]".  
[*Yissa Ish*, (Jerusalem, 1896), p. 22a.]

145 Ibid.

Rabbi Panigel refused to rule out such a possibility, and averred that if Ben Yehuda carried on in this way and persisted in abusing the Sephardi community, it would be a

"mitzvah to pursue him until the bitter end. But should he repent from his evil ways, far be it from me to ruin his livelihood."<sup>146</sup>

The missionary threat was accompanied by the new and far more successful threat of secularism. As the influence of secularism and Zionism grew with the new *Yishuv*, the passions and fears of the traditionalists shifted away from the missionaries to focus on this new threat.<sup>147</sup>

Eventually, missionary activities in an increasingly a-religious *Erez Israel* would become far less significant.

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<sup>146</sup> Ibid.

<sup>147</sup> See chapter 3, where secular Jews are described as worse than the missionaries.

**CHAPTER III**  
**THE EDUCATION CONTROVERSY**

Overview

Throughout the latter half of the nineteenth century, continuous efforts were made to improve the social and economic conditions of Jews in *Erez Israel*. Many of these efforts were initiated by Diaspora communities, either through individuals or organisations. Often, though not always, the religious affiliation and identity of these initiators had a decisive effect on whether the local communities in *Erez Israel* accepted or rejected the proposals.

Of all the proposals for ameliorating the lot of Jewry in *Erez Israel* during this period, the one that aroused the greatest controversy was the plan to improve and reform the educational base of the younger generation. This involved establishing modern schools whose curriculum would include training in various trades as well as learning languages other than Hebrew. The intention was to enable this generation to better grapple with the changing economic situation and the growing importance of *Erez Israel*, both politically and economically.

In the main, many of these educational proposals represented the keen desire of modern Jews abroad to help young *Erez Israel* Jews to gain marketable skills and, thereby, allow the *Yishuv* to free itself from the debilitating

constrictions of the *Halukkah* system. This goal was slow in its achievement.<sup>1</sup>

As the proposals for new schools and revised syllabuses for existing educational institutions entered the everyday debate of the *Yishuv*, it quickly became clear that divisions of opinion were drawn across both Sephardi-Ashkenazi and modernist-traditionalist lines. The education proposals also represented another division between the 'activist' and the 'passivist' theologies.

As noted elsewhere in this paper, the 'passivists' considered the role of the Jews in *Erez Israel* to be that of "*klei kodesh*" - holy vessels - whose sole *raison d'être* in *Erez Israel* was to engage in study fulfilling religious commandments. In the eyes of these ideologues, there was no room for any other viewpoint. The great changes that took place in *Erez Israel* after 1840 - the arrival of the consuls, the increased consciousness of the international community of this previously barely-known backwater of the Turkish Empire, the increase in trade, the introduction of

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1 A report made by British Consul James Finn to the Earl of Clarendon in 1858 and one made 30 years later, in 1885, by Consul Noel Temple Moore, sum up in a nutshell the slow changes which took place. Finn, in a report to the Earl of Clarendon dated 1 January 1858, described the difficulties experienced in introducing new educational institutions in Jewish Jerusalem. See Appendix XI. See also Kurt Grunwald, 'Jewish Schools under Foreign Flags in Ottoman Palestine' in: M. Ma'oz (ed.) *Studies on Palestine during the Ottoman Period*, Jerusalem, 1975, p. 166.

modern business practices - were seen as irrelevant disturbances of the modern world. This part of the Jewish community in *Erez Israel* generally considered that their role was to study the Torah, while the rest of Jewry had a duty to support them financially in this endeavour - an arrangement that, in their eyes, would benefit the entire Jewish people. However, prominent Jews in Europe who were beginning to taste the fruits of Jewish emancipation and the pursuant integration of Jews into the modern world, were eager to see a similar process taking place in *Erez Israel*.

Reviewing the history of educational institutions in *Erez Israel*, it becomes evident that before the 1840's, very few such public institutions were extant in *Erez Israel*. There was little tradition of organized schooling in *Erez Israel* even in exclusively religious subjects.

In his biography, Rabbi Hayyim Moshe Elyashar<sup>2</sup> reported that those who had the means and the inclination hired private teachers to educate their sons and daughters. The Jerusalem community was generally unable to maintain public educational bodies such as *Talmudei Torah*, and when economic support was forthcoming from outside sources, it was generally not earmarked for such institutions.

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2 H.M. Elyashar, the son of Hakham Bashi Rabbi Jacob Saul Elyashar, was *Rishon le-Zion* 1919-1920. Quoted in Grayevski, *Mi-Ginzei Yerushalayim*, Vol. 23, (Jerusalem 1832?) p. 18; also, I. Yellin, *Le-Ze'za'i* (Jerusalem, 1938) p. 44.

In 1840, a Sephardi *Talmud Torah* was established, but it was forced to close 15 years later, beset by financial difficulties (the building was sold to the Rothschild family, who used it to establish the Rothschild Hospital in 1854).<sup>3</sup> In 1841, the Ashkenazi *Perushi* community established the *Ez Hayyim Talmud Torah and Yeshiva* which is still extant today. The *Hasidic* Ashkenazim did not establish any public educational institution.<sup>4</sup> The impetus to establish a properly organized school in Jerusalem came from Sir Moses Montefiore in either 1843 or 1844 as is evidenced by a letter he wrote Rabbi Hayyim A. Gagin.<sup>5</sup> Montefiore certainly did not intend to upset the religious status quo in Jerusalem, and attempted, as is described below, to anticipate and neutralize rabbinic opposition. He nevertheless met with the united opposition of most of the Jerusalem rabbis.

In the 1850's, Albert Cohen, an envoy of the Rothschild family, set up the first public educational institution in *Erez Israel*. Financed by the Rothschild family, he established, in 1854, a trade school for boys called *Mishkan Melakhah*. In order to reduce resistance to this innovation, parents received payment and pupils were maintained during

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3 L.A. Frankl, *Yerushalaima*, p. 221.

4 Ibid.

5 B. Z. Dinbourg, *Me-Arkhiono shel he-Hakham Bashi Abraham Gagin, Zion (Me'assef)A*, 1926, p. 88.

the period of study by the institution.<sup>6</sup> At the behest of Baroness Charlotte Rothschild, Cohen next established an educational institute for girls.

Soon afterwards, in 1855, Montefiore established a school for girls wherein they were taught

"all the necessary knowledge required by a Daughter of Israel, as well as sewing, embroidery and all household work."<sup>7</sup>

Interestingly, while the later establishment of schools for boys sparked an outcry, as is related below, the new girls' schools did not arouse any such resistance. One reason is that there was no objection to a non-Torah education for girls, who, according to some fundamentalist schools of thought, were not intended to study the Torah anyway. A second is that girls were unlikely to be distracted from the "path of righteousness" by learning to sew, to read and to write. There was not, to be sure, any outpouring of enthusiasm for these educational institutions; rather they were treated with apathy. Nevertheless, the Montefiore girls' school closed down shortly afterwards,<sup>8</sup> while the

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6 This was a practice established by the Mission schools who paid parents according to the attendance of their children. See Gat, p. 222; Frankl, *Yerushalaima*, p. 221.

7 *Sifrei ha-Zikhronot le-Sir Moshe Montefiore ve-Ra'ayato Yehudit*, (Warsaw, 1899), p. 87.

8 There is a comment by Sharfstein in his article "Education in Erez Israel at the Beginning of the New Yishuv", *Sura A*, (Jerusalem, 1934) p. 334, suggesting that the Montefiore girls school was shut after Montefiore had heard that extremists were about to place a *herem* on it. This comment by Sharfstein has no



Albert Cohen's (Rothschild) school for girls was strengthened in 1864, when the Rothschild family decided to intensify its support and rename it "Evelina de Rothschild". Indeed, this school still exists today.<sup>9</sup>

The education controversy rose to a high pitch over the Laemel School, which was established in 1856 by the poet Ludwig August Frankl,<sup>10</sup> the emissary of Eliza Herz von Laemel<sup>11</sup> of Vienna. This establishment of this school caused a rift between the Sephardi and Ashkenazi communities. The Sephardim supported the establishment of the school, while most of the Ashkenazim vigorously opposed it. Frankl himself aroused great antagonism because of his reform-oriented religious background and controversial political allegiances.

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support from any other source, and is not consistent with the events surrounding other Jewish girls' schools in Jerusalem, which did not attract *haramot*.

9 See Eliav, *Erez Israel*, pp. 214-215.

10 Ludwig August Frankl - (1810-1894) Austrian poet and secretary of the Vienna Jewish community. A successful poet, he was given an award by Emperor Francis I (1832). He was involved in revolutionary activities in Vienna and his revolutionary lyric "*Die Universitaet*" circulated in no less than half a million copies. He also represented Eliza Herz, the assimilated daughter of Simon von Laemel, who was his patroness.

11 Daughter of Simon von Laemel (Laemmel), Jewish-Austrian merchant and *shtadlan* who was ennobled by Francis I in 1811. Eliza Herz wished to found the Laemel school in memory of her father. For up-dated bibliographies on the Laemel family, see *Encyclopedia Judaica*, Vol. 10, pp. 1354-6.

In 1866, the ultra-Orthodox French philanthropist Joseph Blumenthal<sup>12</sup> decided to establish an educational institute called "Doresh Zion"<sup>13</sup> under the aegis and responsibility of Rabbi Isaac Prague Oplatka, a respected member of *Kolel HoD* whose religious credentials were undisputed. In addition to a programme which involved the teaching of Jewish literature, Blumenthal also wanted pupils to be taught the Arabic language. This last caused considerable controversy in the Jerusalem Jewish community.

In 1868, a group of some prominent members of the Sephardi community established a school, one of whose main purposes was the teaching of foreign languages. This was supported by important Sephardi rabbis, including Rabbi Shalom Hai Gagin.<sup>14</sup> This school, however, was not viable and it closed in 1870.

In 1870, the *Mikveh Israel* agricultural school was founded under the aegis of the *Alliance Israelite Universelle*

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12 Joseph Blumenthal, an Alsatian Jew and wealthy merchant, 1792-1869, was in close contact with Kalisch and Hildesheimer. See Grayevski, *Zikhron le-Hovevim ha-Rishonim*, pamphlet 9. See Obituary - *Ha-Levanon*, Vol. 6, no. 45.

13 See *Ha-Levanon*, Kislev 1866, no. 23, p. 359.

14 *Ha-Levanon*, 12 Shevat, February 1868, Vol. 6. Shalom Moses Hai Gagin, rabbi and talmudist, son of the first *Hakham Bashi*, Rabbi Hayyim Abraham Gagin. He was a member of the kabbalist group of scholars at *Yeshivat Bet-El*. His works, apart from *Yismah Lev*, were *Yismah Moshe*, 1878, *Samah Libi*, 1884, *Saviv ha-Ohel*, part 1 1886, part 2 1904, a collection of his poems was published in *Devar ha-Shem mi-Yerushalayim*, 1873, by Aharon Peirera. See also M. D. Gaon, *Yehudei ha-Mizrah be-Erez Israel*, 2, (Jerusalem, 1938), pp. 40, 188.

(A.I.U.). This institution did not arouse unmitigated opposition although, as noted below, it was hardly popular with the fundamentalist population.

In 1879, a German Jewish orphanage was established in Jerusalem, supported by the German Jewish "Committee for the Establishment of the Orphanage in Jerusalem". The orphanage was under the headmastership of Doctor Wilhelm Herzberg, a former headmaster of the agricultural school in *Mikveh Israel*, and aroused the ire of many of the fundamentalist Ashkenazi elements in Jerusalem, prompting the establishment of opposing institutions, such as the ultra-Orthodox Diskin Orphanage.

In 1882, the Alliance Israelite Universelle<sup>15</sup> established the Alliance School in Jerusalem, again causing discord between the Sephardi and Ashkenazi communities, with most Sephardi rabbis, including Rabbi Jacob Saul Elyashar, then the *Hakham Bashi*,<sup>16</sup> supporting the school. Years later, however, the school proved to be such a disappointment to the Sephardim that they retracted their approval and even placed a *herem* on the school.

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15 Hebrew name: *Kol Israel Haverim* - "All Israel are comrades," and known by the Hebrew acronym *kiah*. First modern international Jewish organization founded in 1860, centered in Paris. Referred to in this paper as the Alliance or A.I.U.

16 *Annual Report of the Anglo-Jewish Association*, London, 1882-1883; See also A. Sharfstein, *Sura*, Vol. 1954, p. 35; also A.R. Malakhi, *Ha-Herem ba-Dorot ha-Rishonim*, *Ha-Doar* Yr. 24, Vol. 35-36, 1945.

These events and the rabbinic response to them bear examination in some detail.

1. Montefiore's proposals:

The first Montefiore proposal to establish a school in Jerusalem was based on a suggestion by Ludwig Philippson<sup>17</sup> in 1843 and grew out of the establishment of a hospital which was promoted by Montefiore. Montefiore took up Philippson's suggestion to join a school to the hospital. Montefiore was aware of possible adverse reactions from the Rabbinical establishment and in a letter written in 1844 to the *Rishon le-Zion*, Rabbi Gagin, the British philanthropist reassured the Rabbi that

"I will never agree to establish a school in the Holy City without the Sages of Jerusalem being given the power to control both the students and the teachers as they [the rabbis] desire in the [ways of] the Torah of the Lord and in [the way of] the fear of the Lord."<sup>18</sup>

To understand the Rabbinical reaction to the Montefiore proposals, it should be remembered that the Ashkenazim who arrived in *Erez Israel* from Russia had had deep and painful memories of the havoc visited on traditional Jewish life by the introduction of a modern educational process which was

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17 L. Philippson (1811-1889), scholar and founder in 1837 of the periodical *Allgemeine Zeitung des Judentums*. See also Eliav, *Ahavat Zion*, p. 327.

18 B. Z. Dinbourg, *Me-Arkhiono shel he-Hakham Bashi Abraham Gagin*, *Zion* Year 1, 1926 p. 88.

not committed to strict Jewish tradition. In Russia and elsewhere in Europe, these Ashkenazim had witnessed the irrevocable damage done to the traditional Jewish faith in those pupils who attended modern schools established by the Russian government.<sup>19</sup> Thus, in an 1849 letter to Montefiore, the Ashkenazi Rabbis asked

"how can we, in our disdain and disgust [towards these schools], accept willingly the establishment here of a school - *iskelis* - which to our minds, as we have seen with our very eyes, is but a stumbling block for the House of Israel and, Heaven forbid, will cause people to stray from the path of the Tree of Life."<sup>20</sup>

The Ashkenazi rabbis made direct reference to the edicts of Nicholas I of Russia, and the network of government schools set up for the education of Jewish children in the early 1840's and describe the ensuing loss of Jewish identity. It is for this exact reason, the Ashkenazi leaders stated, that many Jews escaped Russia and left for *Erez Israel*:

"and in particular, the people coming from . . . Russia, where there are many edicts where they began with this [i.e. the establishment of schools], there converted . . . several hundred children in a short period. And for this purpose, he who fears the Lord escaped with his soul and the soul of

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19 Even Max Lillienthal, who was the *maskil* emissary of the Russian government sent to establish the network of schools, fled Russia when he realized its true intentions. See *E.J.* Vol. 14, pp. 434-440.

20 Shalom Baron, *Mi-Toldot ha-Yishuv ha-Yehudi bi-Yrushalayim. Sefer Klausner* (Jerusalem, 1937), p. 305; *Gat*, p. 220.

his children to bring them here in order to save them from this evil trap."<sup>21</sup>

The rabbis stated that, to their dismay, the Jews who had emigrated to a place they imagined would provide a safe haven from the secularist forces promoted by the Russian government were faced with the possibility of being assailed by a similar spiritual attack in *Erez Israel* itself:

"it is well known to all our fellow Jews that the people leaving their family and their place of birth and their livelihoods there [Russia], their sole aim [is] to dwell in the Holy Land . . . and each one wishes to make his children accustomed to the ways of the Torah that we have received from our fathers"

and

"we . . . remember when the order from the Emperor arrived [instructing] the study of reading and writing of the Gentiles. How many fasts and [how much] wailing our fellow Jews raised as a result of this evil edict, how many people have smuggled their children to other countries and in particular to our Holy Land. And now we are here [among those] who are privileged to dwell honourably in our Holy Land - we and our offspring. What will our brethren in the Diaspora say about us and our offspring?: Behold, these are the People of God, who have come out from their place of birth to attach themselves to the land of the Almighty? These will come and defile His country and His inheritance? They will make an abomination!? Is this the Jerusalem regarding which it is stated that 'from Zion the Torah cometh out, the word of God from Jerusalem'?"<sup>22</sup>

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21 Ibid.

22 Ibid.

The writers of the letter proceeded to examine the practical side of the issue. In response to those who asserted that education would improve the lot of the Jews in *Erez Israel* and help them earn a living, the rabbis stated:

"and what good will accrue to us from this with regards to our livelihood? We can see that in this country, it is impossible to make a livelihood from the knowledge of the writing and language of the Nations."<sup>23</sup>

The writers point out that mere knowledge of foreign languages is not a remedy for their economic situation.

"For there are already some people from our nation who are well versed in the writing and language of France, Germany, Poland and Russia . . . They are literally starving to death, and must accept charity from the *kolel* treasury. And with regard to the languages of this country [Arabic, Spanish], our children are well versed in them, and there are merchants who also know the handwriting of Arabic and Spanish."<sup>24</sup>

The Rabbis argued that such knowledge could even be a method of promoting and encouraging people to leave *Erez Israel*:

"On the contrary, this matter [i.e. the teaching of foreign languages] could cause a person to leave the Holiness [i.e. *Erez Israel*] to '*huz la-Arez*' [lit. out of the Land, i.e. abroad], to find himself a place where he can obtain a livelihood utilizing [his knowledge]

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23 Ibid.

24 Ibid.

of the handwriting and languages of the Nations."<sup>25</sup>

The Rabbis re-stated the 'passivist' theology and declared any interaction with the outside world to be contrary to the entire philosophy of those who had come to live in *Erez Israel*.

"We have come here to settle - we and our offspring until the speedy arrival of the Messiah. . . . Knowing that [Sir Moses] is interested in promoting the existence and strengthening of the Jewish faith, let him pay heed to our words as we have advised him according to our knowledge, in order for him not to bring about, Heaven forbid, damage to our religion, our holy Torah."<sup>26</sup>

The Ashkenazi rabbis explained away Sephardi support for Montefiore's ideas by putting this advice down to lack of direct personal experience such as the Ashkenazim had with modern educational practices:

"And if, indeed, there are citizens of this city who have expressed to Your Excellency that it is suitable to establish schools here, this is because they could not foresee and could not know the stumbling block that will grow from this. But we have seen with our own eyes the evil that has befallen Jewish children in Russia. . . . Therefore, we appeal . . . to Your Excellency not to establish in the Holy Land schools for the study of the language and handwriting of the Nations."<sup>27</sup>

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25 Ibid.

26 Ibid.

27 Ibid.



This letter was signed by the members of the *Bet Din Zedek* of the community of Ashkenazim, together with the leaders of the Ashkenazi *kolelim* and sundry others. Interestingly, several prominent rabbis did not sign the letter. Missing, for example, are the signature of Rabbi Samuel Salant, whose father-in-law, the influential Rabbi Joseph Sundel Salant,<sup>28</sup> was one of the signatories. It is impossible that such an important document would lack such a signature by accident and may be taken as an indication that not all the Ashkenazi rabbis objected to the study of foreign languages for the purpose of making a living.

## 2. The Laemel School

After a short dormancy, the education controversy erupted once again in 1856 with the arrival in Jerusalem of the poet Ludwig August Frankl. Frankl had been despatched by Elizabeth Herz von Laemel of Vienna, with the express purpose of founding a school bearing the name of her father

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28 Joseph Sundel Salant (1786-1866), a student of Rabbi Akiva Eyer. Salant lived in Salant, Lithuania. He became the spiritual father of the *musar* movement. Refusing to accept a position as a rabbi, he worked a few hours a day and involved himself in Torah studies for the rest of the day. In 1837, he immigrated to *Erez Israel*, settling in Jerusalem. He established several institutions there, but occupied no official position in them. He was consistent in his refusal to support himself from public funds and opened a vinegar factory in Jerusalem. His legendary humility and good-heartedness made his student, Rabbi Israel of Salant, the founder of the *musar* movement, hold him up as the ideal Jewish man. See also E. Rivlin, *ha-Zaddik Rabbi Yosef Sundel mi-Salant ve-Rabotav*, (Jerusalem, 1927).

in Jerusalem. If the proposals of the venerable and respected Montefiore had succeeded in arousing the antagonism of the Ashkenazi community, it was obvious that a man like August Frankl, who held modern - even revolutionary - ideas, was going to meet unyielding opposition. Also, it was during this confrontation that the Ashkenazi-Sephardi divisions on this subject became most clearly apparent.

It should be pointed out that in many ways there was a difference in the *Weltanschauung* of the Sephardim and Ashkenazim. For example, many Sephardim, who had lived in *Erez Israel* for centuries, did not view the Land as a place exclusively reserved for Torah learning. Certainly they had great reverence for the land and for the study of the Torah, but nevertheless it was natural for them to perceive *Erez Israel* as a place where Jews should live as normally as possible: a place from which, among other things, a livelihood had to be obtained. It was their understanding that anything - including the acquisition of knowledge regarding the outside world - which might improve their economic situation would only be positive in the eyes of God.

However, there should be no misunderstanding regarding the traditionalism of the Sephardi community and its adherence to fundamentalist values. In fact, the Sephardim (and the

small segment of the Ashkenazi community which agreed to the establishment of the Laemel school) gave their support on the condition that various religious safeguards be introduced. Indeed, the conditions of the Sephardi rabbis were so extensive that the founders' educational plans were much watered down - so much so that Frankl was compelled to forego most of his dreams about creating a modern school which would and encourage the local Jews to become productive.<sup>29</sup> After the Sephardi Rabbis imposed their conditions, there was no comparison, at the end of the day, between the original ideas of Ludwig Frankl and his patroness, Eliza von Laemel, and the school that was eventually established.

The main reason for this was that Frankl had maladroitly managed to arouse the antagonism of most of the Ashkenazi *Yishuv*, and the Sephardim could not totally ignore the outspoken and persistent opposition of the larger part of the Ashkenazi community.<sup>30</sup>

The *Hakham Bashi*, therefore, notwithstanding his approval-in-principle of the establishment of the school,

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29 Originally the institution was to be a modest kind of crèche (*Kinderbewahranstalt*) which was to look after children throughout the day, as well as feed and clothe them, but later the concept developed to encompass a school. See Eliav, *Ahavat Zion*, p. 337; K. Grunwald, 'Jewish Schools under Foreign Flags in Ottoman Palestine' in: M. Ma'oz (ed.) *Studies on Palestine during the Ottoman Period*, Jerusalem, 1975, p. 172.

30 Compare Eliav, *Ha-Yishuv*, p. 217. See also Gat, pp. 234-5; Compare Eliav, *Ahavat Zion*, p. 328.

drew up a document detailing the way the school would be run. This important document was signed by the *Rishon le-Zion*, Rabbi Hayyim Nissim Abulafia, as well as, by Rabbi Hayyim David Hazzan, and Rabbi Hayyim Moshe Pizanti,<sup>31</sup> Rabbi Meir Raphael Panigel, Rabbi Mordehai Eliezer Suzin, Rabbi Efraim Navon, and other Sephardi rabbinical leaders. This agreement was signed by Frankl, too,<sup>32</sup> signifying his obligation to be bound by it contractually.

The contract was in the form of a letter addressed to

"The distinguished Dr. Abraham Eliezer, otherwise known as Dr. Ludwig August Frankl."<sup>33</sup>

It states

". . . behold, we the Sages and the Rabbis, the leaders of the holy community of the Sephardim, have come with these words to declare our opinion and our approval of the righteous woman . . . a woman of valor, the dear and venerable lady . . . Lipit Herz, of the nobles of the Laemel family, who . . . has put aside a certain sum from her wealth as a capital fund in order that there would be established in Zion a special house to teach Jewish boys the true Torah and the worship of the Lord - in memory . . . of her father . . . the venerable elder, His Excellency Simon of the nobles of the family of Laemel, and this gentleman [L. A. Frankl] has been chosen to be the executor . . . and has brought with him documents outlining

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31 H.M. Pizanti was a member of the *Hakham Bashi's Bet Din*.

32 A. M. Luncz, *Luah Erez Israel*, (Jerusalem, 1908), pp. 143-150.

33 Ibid. p. 143.

. . . the order and structure of the above-mentioned house [of learning]. . . we were called together by the gentleman and conferred in the house of . . . the *Rishon le-Zion* . . . we and all the sages and rabbis of the Sephardim from all the *kolelim*. And we saw all the words of the manuscript aforementioned, in which there were some good things and self evident matters to the comprehending mind, and every intelligent soul will gain pleasure from them. And the gentleman personally spoke to us in front of all the committee, that all his and his Donor's intent is especially to teach the Children of Israel Torah and the worship of the Lord and prayer, without there being any stumbling block [to the faithful], Heaven forbend. . . . and he stated . . . that both in the appointment of teachers and also in the appointment of supervisors, and in the matter of the conduct of the children and their syllabus, absolutely everything will be as we decide and as we see fit, so that it would be in the best possible way that which is right in the eyes of God and man."<sup>34</sup>

The rabbis emphasized the legitimate religious intention of the proposed founders of the school.

"and as we saw that all their intention was to raise the flag of the Torah and the worship of the Lord and the fear of God in this the Holy City of Jerusalem, and, what is more, he brought with him recommendation letters from the sages and rabbis from the royal city of Vienna, . . . all who unanimously testify that the intention is to sanctify the name of Heaven, and that it is legitimate to establish this project in Jerusalem."<sup>35</sup>

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34 Ibid. p. 144.

35 Ibid. p. 145.

The Sephardi leaders made a direct reference to Ashkenazi statements such as those made to Montefiore and attempted to assuage Ashkenazi fears:

"but as a result of the fact that we can see and we can hear that there are those who doubt and who debate this matter, and have farfetched fears that, Heaven forfend, in the fullness of time that there will arise from this - destruction, heresy and atheism . . . therefore we are bound to proclaim our view and to detail our conversations [with Frankl] and to expound properly the order and the conduct of the teaching in the afore-mentioned house be organized."<sup>36</sup>

The Sephardim leaders gave the new institution the appellation of a *Talmud Torah* for Jewish children. It was not to be known as a school:

"This house's name will be '*Bet Talmud Torah le-Na'arei Benei Israel*',"<sup>37</sup>

However, their involvement was not to remain on this cosmetic level as they emphasized:

"and in order that there should be no doubt or second thoughts in any way, this will be the order and the conduct of the above-mentioned house:

"1) That the supervisors and the teachers will be appointed by the Gentleman [i.e. Frankl] in full agreement of the Sages and the Rabbis and the supervisors of the holy community of the Sephardim . . . and their opinion will be decisive in the

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36 Ibid.

37 Ibid.

appointment of God-fearing . . .  
suitable people fitted for this work and  
for dealing with children in the best  
possible way."<sup>38</sup>

The Sephardi Rabbis set out the curriculum:

"2) The children who will enter into this *Talmud Torah* house will be children who will begin their studies from the *alef-bet*, and who will learn prayer and the Bible in over three or four years and after they have learned the Bible, there will come others in their place to learn the Bible, and the children that by that date had already learned the order of prayer and the Bible will learn with a teacher in the Arabic and German languages and this teacher will be [religiously] desirable and acceptable . . . and will be one who is held to be kosher and who would be in awe of the Lord in such a way that none would have any doubt about him whatsoever.

"3) In the afore-mentioned house [of learning] there will be a special room set aside for the Morning, Afternoon and Evening Prayers, and the same during the Sabbaths and Holy Days, and the children will be found there and those who know how to pray will pray with them, and the rest will say 'Amen'.

"Thus according to these rules, this afore-mentioned house will be for eternal witness, and a thing of the Lord's. . . . and we bless the Gentleman . . . that he may establish this house, and great may be his reward . . . and may the Lord bless him . . . and the work of his hands, and we welcome you as we have seen that already the Lord has desired your deeds and made successful your ways to recognize the truth . . . a greater *mitzvah* there is none . . . the Gentleman founded in the above-mentioned house another room specially for the purpose of learning the Talmud - for

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38 Ibid. p. 149.

this is our goal, to raise the flag of the Torah in Jerusalem . . . we expect his confirmation in writing and his signature that he agrees to our words . . . and let there be peace and truth from the lovers of the Torah in truth, the holy community of the Sephardim . . . Signed Hayyim Nissim Abulafia, *Hakham Bashi*, Hayyim David Hazzan, Hayyim Moshe Pizanti . . . Mordehai Eliezer Suzin, Meir Raphael Panigel, Efraim Navon."<sup>39</sup>

Frankl did in fact sign the document.<sup>40</sup> The *Hakham Bashi's* approval was also tempered by his acquiescence to the demands of the Ashkenazim that the classes be for Sephardim only, and that Ashkenazi children be forbidden to attend them!<sup>41</sup>

Despite all these safeguards and provisos, the rabbis of the Ashkenazi community were not persuaded. They proceeded to wage ecclesiastical war against the encroachment of modern education, notwithstanding the *Hakham Bashi's* position. On Sivan 9, 1856, the Jerusalem rabbis of and all of the *kolel* heads gathered at the Synagogue in the *Hurvah* of Rabbi Judah he-Hasid and proceeded to impose a *herem* upon the modern schools. In deference to the power and position of the *Hakham Bashi*, however, this *issur* (ban or prohibition)

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39 Ibid. p. 150.

40 Ibid. See also J. Press, *Bet ha-Sefer le-ha-Azil le-Vet Laemel bi-Yrushalayim*, (Jerusalem, 1926) *passim*.

41 A.J. Schlesinger, *Kol Nehi mi-Zion*, (Jerusalem, 1832), p. 1-2. Potential teachers were threatened by the anti-secularists. Rabbi Yehoseph Schwarz was at first willing to serve as headmaster of the new school but retracted under Ashkenazi pressure. See Gat, p. 232.



related only to the participation of Ashkenazi children.<sup>42</sup> The *Hakham Bashi's* assurances about restricting the attendance to Sephardi children were thus reinforced by a binding *issur* on the Ashkenazi community.

The *herem* painted an apocalyptic picture, expressing in passionate terms the fear within the Ashkenazi community of Frankl's plans in particular and the general distaste of the Ashkenazi leaders for modern education:

"we have seen scandal in the House of Israel, and the Torah wears a sack draped in mourning - and this because in the City of God some people established a house of learning for the children of the Jews, to teach them foreign language and lore, non-Jewish studies and ways of [non-Jewish] behaviour."<sup>43</sup>

The Ashkenazim dismissed the assurances, such as those given by Frankl and his Sephardi supporter, which sought to ensure that the school was to be conducted on a sound religious basis. As far as they are concerned, this was but a low trick, an act of "base misrepresentation":

"Although their initial action is soft and sweet, in that they state that [the school] will be in accordance with the supervision of God-fearing supervisors, and that they will learn the principles of the Holy Torah. But as we know . . . its end will be harsh and its effects on posterity will be bitter in the extreme,

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42 I. Gerlitz, *Mara DeAra Israel*, (Jerusalem, 1969), p. 240.

43 Ibid. p. 240. See also Frankl, *Yerushalaima*, p. 249; Gat, p. 233.

when the non-Israelite studies and modes of behaviour become the norm, and the Holy Torah become . . . peripheral."<sup>44</sup>

The Ashkenazim, as already noted, referred to their Russian experiences:

"and it is already well known and tried, this evil that causes Israel to forget our Holy Torah, and removes the awe of the Lord from the children of the Jews . . . it is a [recipe] for heresy and atheism. And when this disease spread abroad, there were many who broke away from the living Lord and who built themselves platforms for Baal. Of these, some were left without faith, and went from evil to evil . . . and as a result of our increasing sinfulness, this devouring leprosy has reached unto the gateway of our nation, even unto the heart of Jerusalem, the Holy City. Woe unto the eyes that see thus . . . woe unto the [Jews] this insult to the Torah - where even those who come in the name of God to join themselves unto his estate [and live in *Erez Israel*], their entire goal being to acquire wholeness of the soul, and to devote all their days and their nights to be holy unto the Lord - it is regarding these that our heart sorrows, and it is for these that our eyes blacken - lest they be trapped by corruption and caught in this evil snare."<sup>45</sup>

However, the Ashkenazim could not ignore the eminence and weighty halakhic authority of the Sephardi rabbis. Their halakhic position could not be lightly dismissed.

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44 *Mara DeAra Israel*, p. 241.

45 *Ibid.*

As they had done years earlier with Montefiore, the Ashkenazim asserted that such attitudes were based on naivété and a lack of foresight borne of inexperience.

"In this evil snare have fallen  
innocent, kosher personages, who cannot  
foresee the future and the sting of the  
snake. . . .<sup>46</sup>

As already noted, the prohibition related specifically and exclusively to the members of the Ashkenazi community.

"We . . . interdict with the most  
weighty edict and forbid utterly . . .  
via the power [given to us] by our Holy  
Torah that let not any Israelite from  
our brethren who belong to any of the  
*kolelim* of the Ashkenazim . . . come  
near this House of Learning, or permit  
his sons or his daughters to study  
there, whether regularly or from time to  
time."<sup>47</sup>

and

"any man of our brethren of Israel from  
the *kolel* of the Ashkenazim . . . here  
with us today and those that come after  
us shall not come close to enter this  
house of teaching . . . whoever  
transgresses this edict and this  
proscription and who will go to study in  
this house, or who will permit his  
offspring to go there, he is to be  
considered irreverent . . . and he will  
be excluded from the community of the  
Ashkenazim - he will have no part in the  
Ashkenazi community or the Ashkenazi  
*kolel*."<sup>48</sup>

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46 Ibid.

47 Ibid.

48 Ibid.

The text of the prohibition ended with the usual sanctions which warned those who disobeyed the *herem*:

"the Lord will not agree to forgive him . . . and he will be excluded from the community of the Ashkenazim, and he will not receive any of the portion the kolel of the Ashkenazim and that this *takkanah* and *issur* is a law and enacted forever."<sup>49</sup>

The edict was signed by several leading Ashkenazi rabbis of the period, including Rabbi Joseph Sundel of Salant and Rabbi Samuel Salant. Among the other signatories was Rabbi David Tavia of Lomze, who was the grandfather of David Yellin,<sup>50</sup> one of the first pupils enrolled in the modern school system by his father, Yehoshua Yellin and later a leader of the school movement.

As stated elsewhere, the *issur* was specifically drafted to exclude members of the Sephardi community:

"Any Jew from our brethren belonging to the Ashkenazi *kolelim*. . . ."<sup>51</sup>

Nevertheless, a prominent member of the Sephardi community, Rabbi Yedidiah Raphael Hai Abulafia<sup>52</sup>, who was the head of

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49 Ibid.

50 David Yellin (1864-1941) became a pupil in 1882, and later a teacher, at the A.I.U. School. Founder of Hebrew Teacher's Seminary. Appointed Professor of Poetry at Hebrew University in 1926.

51 *Mara DeAra Israel*, (Jerusalem, 1969), p. 243.

52 Yedidiah Raphael Hai Abulafia (Born in Jerusalem, 1807 - d. 1869) was a major kabbalist of his period and a

the kabbalistic yeshiva of *Bet El*, joined the Ashkenazi Rabbis in their edict that

"no man from the community of the Ashkenazi sages be permitted to allow his son or daughter into the *Talmud Torah* house . . . which was initiated and founded by that man, the newly arrived from Vienna Dr. Frankl."<sup>53</sup>

Rabbi Abulafia states that

"I hereby agree with the rabbis of the Ashkenazim and therefore I, the undersigned, accept upon myself all that they have interdicted and signed . . . and this acceptance applies to me and my children and my children's children."<sup>54</sup>

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teacher of Rabbi Meir Auerbach and other leading rabbis of this period.

53 *Ma'asei Avot*, p. 48.

54 *Ibid.* Interestingly, there is a reference to Rabbi Abulafia's prohibition in Rabbi David Freedman's *Kunteres Emek ha-Berakhah*, (Jerusalem, 1881), article 4, p. 12, in the following comment:

"the latter [i.e. the offspring of Rabbi Yedidiah Rafael Abulafia] did not live up to these restrictions."

This reference is to Nissim Behar, the grandson of Rabbi Abulafia - and the headmaster of the Alliance School - an organization which was in the vanguard of modern education in Jerusalem. The Sephardim, who initially supported the Alliance School, later retracted, indicating that their original agreement to Nissim Behar was based on Behar's distinguished lineage. They stated that it was the fact that he was

"the grandson of the great . . . Rabbi Yedidiah Raphael Abulafia, from whom certainly no evil shall emanate"

which persuaded them of the worthiness of his intentions. When they considered their evaluation incorrect, they proceeded to withdraw their approval. [See A. Sharfstein, *Yerushalayim Quarterly*, year 1, 5708, number 324, p. 388].

It is instructive to note the caution with which Rabbi Abulafia's statement was phrased. There is a sense almost of diffidence, as if he himself, by this extraordinary action, did not wish to upset the *Hakham Bashi* and the rabbis of his court who had entered into the agreement with Frankl. He did, however, express a wish that the other Sephardi rabbis would join him:

"and may it be that the Sephardi rabbis will act in a similar way and thus all the *kolelim* in Jerusalem will be in agreement and then the name of Heaven will be sanctified also by the Sephardim. However, what can be done presently, as they have not withstood the test, and did not examine carefully to see what will emerge from this."<sup>55</sup>

Rabbi Abulafia referred to the safeguards which were included in the agreement with Frankl by the Sephardi rabbis, but dismissed them:

"if they did enact some amendments and placed some limits and restrictions, as I have heard and I have been told, despite this, I am not at ease, for these will be of no use."<sup>56</sup>

### 3. The Bet Midrash Doresh Zion School

In 1866, the *Bet Midrash Doresh Zion* School was established as an experiment by the ultra-Orthodox "patriot and lover of

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55 *Ma'asei Avot*, p. 48.

56 *Ibid.*

Zion"<sup>57</sup>, Joseph Blumenthal. The idea was conceived after Blumenthal's second visit to Palestine in 1863, when he established the *Hevrat Dorshei Yerushalayim*. The main aim of this Society was the improvement of the *halukkah* system and to establish a school for boys and an organization to teach crafts.<sup>58</sup>

Blumenthal set for himself the goal of establishing a school in which Ashkenazi and Sephardi children would study Torah-related studies - in separate classes.

"In one, the Ashkenazi children would learn Bible, Torah and Talmud in the German [i.e. Yiddish] language . . . and in the other, the Sephardi children were to learn the above in Arabic or in the Spanish language."<sup>59</sup>

While Frankl, a reformer, had been regarded with deep suspicion, it was not inevitable that the *Dorshei Zion* School would encounter the same resistance. Joseph Blumenthal was a highly respected philanthropist. He supported many good works and projects which were approved by the most Orthodox segments of the Jewish community in Jerusalem, and he took care, when setting up the school, to

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57 As described by Rabbi Isaac Oplatka Prague, in a previously unpublished document, C.Z.A. no. J326/1. (Jerusalem, 1873). See Plate IV.

58 See *Ha-Levanon*, Vol. 2, nos. 3-5; Gat, pp. 237 ff.

59 See *Ha-Levanon*, Vol. 6, no. 45, and *Ha-Levanon* Vol. 2, nos. 22-23, wherein Blumenthal wrote encompassing articles regarding the state of the *Yishuv* and his proposed methods for the amendment thereof.

49

To the Very Rev. Chief Grand Rabbi  
and Beloved Co-religionists!  
Honored Sirs,

Our well-known Institution  
(Orphanage & Training School) Doresh Zion  
enjoys by the Grace of God a wide-spread  
reputation owing to its assiduous efficacy  
in pious works, it supports thrice yearly on  
occasion of the great feasts the most indigent  
and pious people of the Holy City, but a still  
greater aim it is striving to attain, namely the  
Erection of Poor-Homes, to give free shelter for a time  
of 3 years to poor shelterless Brethren who are  
unable to pay their rent.

Esteemed Brethren! We assure you, that in assisting  
us to carry out that scheme you bestow great  
charity on the Holy City and its unfortunate Ten  
inhabitants, who living in greatest misery, pursue  
the study of Scripture.

Our Institution has been founded 30 years ago by the  
late lamented Ten Patriot and Lover of Zion  
Mr Joseph Blumenthal, and is entertained to this  
present day by benign Co-religionists of Germany &  
France, now we beg to crave and solicit the renowned  
charity of our Brethren in America & England, and  
being convinced of the never failing nor wanting  
promptitude of our Brethren in benevolent enterprises,  
we have authorized our excellent erudite & pious Brother  
the Rev. Mr. Oplatka-Prag, to collect and receive  
the Contributions.

Praying that the Almighty might bless you and your family  
for your generous interest in that noble work and grant you  
a long and happy life that you may live to see the consolation  
of Israel and then inherit eternal life, we beg to remain with  
brotherly greetings, faithfully yours  
Jerusalem in the month of Gracia 5614

1875  
משה י. אופלטה  
בבית החיים ירוק חיים



Plate IV: Letter from Izhak Prague Oplatka  
Requesting Assistance for the Doresh Zion School



install Rabbi Isaac Prague Oplatka<sup>60</sup> as its head. Rabbi Prague was highly esteemed by the Sephardi community, into which he "assimilated," adopting Sephardi clothes and mores. He was also held in high esteem by the Ashkenazi community. Furthermore, Blumenthal was himself well-known - and well aware of the sensitivities of the ultra-Orthodox community of which, in a larger sense, he was a part. He did not, in any event, intend to set up a modernized school such as Laemel - but more a *Talmud Torah*, with a low-key introduction of secular subjects.

Prague wrote in 1878 about the

"pious work of the late, lamented Mr. Joseph Blumenthal, who ... founded a boys' school in Jerusalem, to which he gave the name *Doresh Sion*."<sup>61</sup>

The school's sole object, according to Rabbi Prague, was

"to enable the young to make progress in the Hebrew and Arabic languages"<sup>62</sup>

Arabic was taught because it was

"the language of the country [and would] give [the students] good instruction in such education would enable them to make

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60 Issac Prague [Oplatka] (1820-1900), an early member of the Holland and Deutschland *kolel* (*Kolel HoD*); close friend of Rabbi Yehoshua Schwarz. He was among the founders of the *Even Israel* and *Sukkat Shalom* suburbs of Jerusalem. See also Eliav, *Ahavat Zion*, pp. 250-251; Gat, p. 19, 224-225.

61 CZA Manuscript J326/1/1.

62 Ibid.

their way in the world as capable and well trained persons."<sup>63</sup>

Nevertheless, the endeavour failed, a dramatic illustration of the depth of feeling within the ultra-Orthodox community against anything that even remotely resembled modern education.<sup>64</sup>

The *Doresh Zion* School opened in 1866 with twenty pupils in two classes. In 1869, it moved to a new premises, and the number of students rose to forty, probably because of the introduction of Arabic language studies (not a single Ashkenazi child was enrolled!)<sup>65</sup>

At that point - the introduction of language studies - some extreme groups in Jerusalem proscribed the school and placed a *herem* on it. Blumenthal's name is not mentioned in the *issur*, no doubt because of the respect and prestige he enjoyed within the ultra-Orthodox community.<sup>66</sup>

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63 Ibid. It is noteworthy that this document, an appeal to Diaspora Jewry for funds to rebuild the deteriorating school building, received a certification from the British Consul, Noel Temple Moore:

"I hereby certify that the above statement as to the perilous condition of portions of the schoolhouse called *Dores Sion* is correct. British Consulate, Jerusalem, May 6, 1878."

64 See Gerlitz, *Mara*, p. 248.

65 See *Ha-Levanon* vol. 5, nos. 34 and 41.

66 It is reported that the extremist groups within the community threatened Prague personally and as a warning, placed a coffin outside his door! See A.M. Luncz, *Luah Erez Israel*, vol. 15, p. 33.


 All the respected Jewish Communities to the Rabbis, Sarars  
 noblemen and benefactors of the Holy City of Jerusalem, resident in the provinces  
 of France, Alsace, Lorraine, Switzerland and Great Britain  
 Lodics and Switzerland

The object of the present communication is to call to remembrance  
 the pious work of the late lamented Mr Joseph Blumenthal, who  
 about twelve years ago founded a boys' school in Jerusalem to which  
 he gave the name of 'DORIS SION'. Its sole object was to enable the  
 young to make progress in the Hebrew and Arabic languages,  
 which latter is the language of the country, to give them good  
 instruction and such an education as will enable them to make their  
 way in the world as capable and well trained persons.

In order to give stability and a good foundation to the said institu-  
 tion, he in the year 5629 (1868), besides caring for the maintenance  
 and other needs of the School, purchased a fine house containing  
 several rooms adapted for containing different classes of children,  
 and of remaining as a lasting monument of the labours of the late  
 deceased, one of whose rules was that the scholars should be  
 annually furnished with a complete suit of clothing as many of  
 them were orphans and poor.

After the death of the founder the care and administration of the  
 school was taken by the most excellent Chief Rabbi of Central France.

Plate V: 1878 Letter by Izhak Prague Oplatka  
 Notarized by the British Consul Noel Temple Moore

Monsieur E. Isidore and the excellent Rabbi Moses Weisoff, who at present are patrons and spare no pains for the advantage of the institution, by furnishing all expenses that occur, and certainly without their influential succour we would have been unable to provide half of what was necessary, or of having kept everything going on in the best order, and we therefore seize this opportunity in order to render all due honour to the abovenamed most excellent administrators.

In consequence of the heavy rains this winter several houses in this city have fallen in, or been more or less damaged. Amongst the latter is the school house *Utsa Sion* which has suffered so much that it is dangerous to lodge in it. The necessary repairs have been estimated at the sum of frs. 10,000. It has also been found desirable to found a permanent fund for the purpose of covering all annual expenses, and thus lessening the trouble and labours of the Administrators. The local School Committee has therefore decided on making an appeal to our co-religionists and benefactors who like the late founder desire the welfare of the youths here and the advance of instruction in the school which can be testified to by the excellent Rabbi of Jerusalem.

We, the undersigned Directors and members of the Committee have therefore entreated the Excellent Rabbi *Meir Ben Simion* Secretary of the school for the last twelve years a faithful, honorable, honest and well educated young man, son of the very well known Excellent Rabbi *David Ben Simion* of the Algerian Community personally to represent our case, and to collect the contributions generously offered for the abovenamed object.

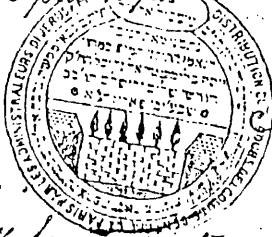
We therefore earnestly beg all those to whom this appeal may be shown, to honour aid, counsel and assist our messenger, by offering generous donations, placing them in his hands, and inscribing the amount given on the register, which contains a fuller statement of our needs in the Hebrew tongue.

Plate V: 1878 Letter by Izhak Prague Oplatka  
Notarized by the British Consul Noel Temple Moore

J32/6/7/8

... Hoping that for the love of Jerusalem and the education of the orphans of Zion, our words and prayers will be accepted by our Illustrious and generous Benefactors, and that the school will be placed on an enduring foundation in eternal remembrance of the honored founder Monsieur Blumenthal

Jerusalem 11 April 1878



Isaac Prager  
Jonas Löb



Whilst attesting the foregoing signatures & seals of the Committee of the School "Dores Zion", we also certify the correctness of the translation and warmly recommend the great object of this appeal.

Handwritten initials



Jerusalem April 25<sup>th</sup> 1878

Handwritten Hebrew text: זוש זוש'ון ליון זוש'ון

Abraham Aharanovitch  
Chief Rabbi



At the request of the Rev. David Ben Simeon Algizier Chief Rabbi of Jerusalem and of the Rev. Rabbi Isaac Prager I hereby certify that the above statement as to the previous condition of portions of the school house called Does Zion is correct.

Parish President  
Jerusalem May 6<sup>th</sup> 1878



Noel Temple Moore  
Consul

J32/6/7/8

Plate V: 1878 Letter by Izhak Prague Oplatka  
Notarized by the British Consul Noel Temple Moore

The *herem* did not attract the universal support of the Ashkenazi community. Rabbis Salant and Auerbach, often in the vanguard of opposition to new school projects, did not join the protest in this case.

In fact, as a result of the constrictions placed on the school by the various ultra-Orthodox groups to which it catered, it never progressed beyond an old-fashioned *Talmud Torah*, with some insignificant amendations. Nevertheless, it was probably the first time that the ultra-Orthodox community came to terms with the very notion of a modern educational system. From the 1880's onwards, the number of the students rose to around 120, and, in addition to religious subjects, they were taught Hebrew, Arabic, and arithmetic. In later years, the institution provided some of the leaders of the Sephardi community, and in the fullness of time, even the extremist groups came to terms with it, despite the fact that it taught secular subjects. Shortly after the turn of the twentieth century, the school was transferred to the aegis of the *Pekidim* and *Amarkalim*.<sup>67</sup>

#### 4. The Kreeger School and the establishment of the school in Jaffa

In 1868, Rabbi Shalom Hai Gagín (the son of the first *Hakham Bashi*, Hayyim Abraham Gagín) and Rabbi Moshe Malka, a leader

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67 See Eliav, *Ahavat Zion va-Anshei HoD, Yehudei Germania ve-Yishuv Erez Israel ba-Me'ah ha-Tesha Esreh*, (Tel-Aviv, 1970), p. 332 ff.

of the *Moghrabi* community set up a school in Jerusalem for fifteen boys with Joseph Kreeger (a former translator and civil servant within the Turkish administration in *Erez Israel*) as headmaster. The intention was to teach the boys Torah, as well as Italian and French. The Alliance Israelite Universelle (A.I.U.) supported the school financially, and, despite the fact that the school was aimed exclusively at Sephardi children, the Ashkenazi extremists in Jerusalem saw fit to impose a *herem*, not only on the school but also on the founders and on the parents of the students.

The Ashkenazi group, this time supported by some Sephardi rabbis, called a meeting at the *Hurvah* synagogue, wherein they blew the *shofar*, said *selihot*<sup>68</sup>, and pronounced their ban on

"any man who would allow his sons and his daughters to go to that school to learn the writing of the Gentiles, and he shall be excommunicated and excluded from the community of Israel, and all the curses written in the books of the Torah will afflict him."<sup>69</sup>

The school did not survive, and finally closed its doors in 1870, although it is unclear whether this was a result of lack of resources or a result of the anti-education pressure.

68 *Selihah* (pl. *selihot*): penitential prayer.

69 *Ha-Levanon*, 5628, Vol. 8.

Throughout the second half of the 19th century, the fundamentalists' opposition to the modern schools never faltered. On the contrary, the relative success of the Laemel School, for example, goaded those in opposition into positions of even greater intransigence. The fact that Laemel was viewed as an established threat is evident from a *herem* published in 1865,<sup>70</sup> referring to the Laemel School, which included the following passage:

"Let the school which the Viennese, Frankl, established here nine years ago be a warning signal to us. Look and see how strong they are, for nine whole years they have withstood [opposition to] their evil schemes until they have achieved their evil goal."<sup>71</sup>

This *herem* reinforced previous *haramot*:

"directed against this evil matter since two generations, from the time of the great rabbi, the *Rishon le-Zion* Gagin, may his memory be blessed, and the sages of that generation and the *geonim* of the Ashkenazim."<sup>72</sup>

The 1865 *herem* was again solely applicable to the Ashkenazim:

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70 *Ma'asei Avot*, p. 44.

71 *Ibid.*

72 *Ibid.*



"We have established and accepted upon ourselves all the communities of the Ashkenazim in *Erez ha-Zvi*." <sup>73</sup>

Later the *herem* again referred to the fact that:

"We [take] . . . upon ourselves, all the communities of the Ashkenazim living here in the Holy City and in *Erez Israel* as an absolute and grave *issur* to forbid any of our sons and daughters to attend these houses and *hadarim*." <sup>74</sup>

The *herem* also made reference to the fact that Rabbi Isaiah Bardaki had warned that those wishing to promote modern education would adopt the tactic of a wolf in sheep's clothing:

"In the beginning, they show the signs of purity in order to trap innocent souls. They announce that they will teach Hebrew and the Torah of the Lord and His *mitzvot* and laws." <sup>75</sup>

Ultimately, however, the *herem* stated that such institutions would degenerate into "Frankl-type" schools, which had proclaimed originally that their purpose was

"only to teach them Torah. But go and see how strong they are [in their secularism]." <sup>76</sup>

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73 Ibid. Note: *Erez Ha-Zvi*: an appellation for *Erez Israel*.

74 Ibid. Note: *hadarim*, pl. of *heder* (lit. a room): school for teaching Jewish children.

75 Ibid.

76 Ibid.

The *herem* written in 1865 no doubt intended to also sound a warning regarding the establishment of the Evelina de Rothschild school.

While the Ashkenazi-Sephardi disagreement over this matter was well-established, there appears to have been an attempt to present a unanimity of purpose among the Ashkenazim. The *herem* was enacted by

"all of us, all the leaders and elders and rabbis of the *kehillot* of the Ashkenazim here in Jerusalem, *Perushim* and *Hasidim* . . . and all the individuals of our community."<sup>77</sup>

There was reference to some minority Ashkenazi opposition to the edict, but the signatories to the *herem* noted that

"those that are not here, their opinion is null, as they are a minority."<sup>78</sup>

This was an early sign of a dissenting Ashkenazi stance to the consistent Ashkenazi opposition to modern schooling, but mainstream Ashkenazi opinion rejected any involvement in any type of modern educational institution. Deeply apprehensive about the perils presented by these schools and about what they considered to be their somewhat hollow commitment to Torah values, they expressly forbade any member of their community to let their sons or daughters

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77 Ibid.

78 Ibid.

"to be taught in any of these houses and  
aforementioned *hadarim*, even Hebrew,  
sewing and the like."<sup>79</sup>

The 1865 *herem* was to be all-comprehensive, affecting both the parents, the children, as well as anyone who assisted the establishment of such schools and anyone who worked in these, either as a teacher or as an instructor.<sup>80</sup>

Another indication that the Ashkenazi community was no longer unanimous in its adherence to previous *haramot* regarding this matter is reflected in the particularly stringent language utilized by another 1865 *herem*. While previous *haramot* applied sanctions, such as exclusion from the Ashkenazi community, excommunication, and various curses applicable to heretics, this latest edict explicitly forbade

"by virtue of the power of the holy  
Torah, all those in charge of the  
Ashkenazi *kolelim* to give even one  
*peruta*<sup>81</sup> from the *halukkah* of the *kolel*  
to any man or woman, boy or girl who  
transgresses this *herem*"<sup>82</sup>

By 1865, therefore, it was evident that the debate had sharpened. As cracks appeared in the previously united obedience of the Ashkenazim to these *haramot*, it became evident that some Ashkenazim became supportive of modern education. In turn, the hard-liners within the community

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79 Ibid. My emphasis - CK.

80 Ibid.

81 *Peruta*: The lowest denomination of coinage.

82 *Ma'asei Avot*, p. 45.

stepped up their penalties against those who demonstrated support for "modern education." Not only would they face religious sanctions, but also economic boycotts in the form of exclusion from the *halukkah*.

Moreover, while there had previously been little opposition to Jewish girls studying secular subjects, the ultra-Orthodox community now began to adopt a more extremist position in this regard as well. In 1865, a *herem*, apparently aimed at the establishment of the Evelina de Rothschild School, were published. The *herem* did not specifically mention the schools, possibly in deference to the powerful Rothschild family. Rather, a universal ban was proclaimed on Jewish girls and young women studying

"craft, writing and language"<sup>83</sup>

and referred to

"these people seeking to establish schools to teach the Children of Israel . . . have prepared all that is necessary for a school for Jewish girls. They have rented a courtyard and prepared all the necessary implements - desks, benches, and have hired female teachers."<sup>84</sup>

Once again, it was the rabbis of the Ashkenazi *kolelim* who initiated the action. In contrast to previous years'

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83 Rabbi Joseph Sundel Salant ed. *Be-Hitassef Yahad* (Jerusalem, 1865). Republished in Jerusalem in 1873 and reprinted in *Ma'asei Avot*, p. 73.

84 *Ma'asei Avot*, p. 44.

# שמע ישראל

## לא עת לחשות!

אההו שמה ושערה נהייתה בקודש.

אנשים ערומים פרשו רשת פחד וזכור נפשות נקיות ילדות כנות  
 ישראל, פושטים מלפיהם כחזיר ומראים תומה, ובקרכם ישימו אורב  
 לדרום ולעקור ולדרום עד היסוד את יתר הפליטה הנשארת ר"ל.  
 פתחו "בית ספר" ודע"ע ממנו הדבר למען לעור עיני פקחים  
 ופתחו בערמה לאמר: כי כל רצונם ללמוד עמהם תושב"כ וכדומה,  
 ויכנו זאת בשם "חרר" לנערות.

ועוד רעה חולה יותר מו, התועבה הנוראה הנעשית בשכונת בית  
 ישראל, לחרף ולגרף מערכות ישראל, ה"ה חבורי עצבות אשר  
 לפתחם המאת רובין, אגורות אחיות (שוועסמערין) אשר אמרו  
 ללשונו נגביר, שפתינו אתנו מי ארון דנו, אנחנו בשריות לבנו נלך,  
 למען ספוט הרוה את הצמאה.

אוי לעינים שכך רואות ואוי לאזנים שכך שומעות.

שומו שמים על זאת, הכוונה יעשו לאחותינו!

על בן אחב"י אשר שורש נשמתם ממהצב קרוש נחצבו ואשר  
 רגליהם עמדו על הר סיני, ובשלו איש באהיו איש בעון אחיו, עמדו  
 ואזרו חיל בלב אמיין בגבורים לכבות אש התבערה אשר פרץ בכנות  
 ישראל, אל תתמהמו עוד, כי כבר אחזה אש מתלקחת ומצאה קוצים  
 עד קמה ועד כרם זית תכלה, וכבר נראו סימני טומאה מפריצות דת  
 משה ויהודית, אל תחדישו כבלע וכו', דחלש יאמר נכור אני, ואיש את  
 רעהו יעזורו ולאחיו יאמר חוק, והיבער הקוצים מן כרמו ונזכה לראות  
 בנחמות ציון וירושלם תוכב"א.

silence regarding schooling for girls, they now referred to the attempt to establish organized schooling for girls as

"this scandal, the malignant leprosy which will flower in the city of our God, Heaven forbend, to trap by this girls, to root in their hearts an effective root, in order to lead astray this holy flock . . . and in order to seize their hearts when they are young, Heaven forbend."<sup>85</sup>

It was evident that the Ashkenazi leaders viewed the evil as emanating from outside of *Erez Israel*. They regarded Jewish *maskilim*<sup>86</sup> and reformers from abroad as responsible for despatching individuals to *Erez Israel* to establish modern schools. In particular, they abhorred the notion of schools which were established by foreign founders who intended them to be conducted according to foreign mores and modes of behaviour:

"And regarding such schools established in our Holy City by [philanthropists from abroad] and which [are organised] according to the customs and mores of the philanthropists abroad . . . [we] . . . will not send to them our boys and girls at all."<sup>87</sup>

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85 Rabbi Joseph Sundel Salant ed. *Be-Hitassef Yahad* (Jerusalem, 1865). Republished in Jerusalem in 1873 and reprinted in *Ma'asei Avot*, p. 73.

86 *maskilim*, pl. of *maskil* - a proponent of the Hebrew *haskalah* (enlightenment).

87 Ibid. It should be noted that Frankl's plan was to establish the Laemel school which would educate the pupil in a spirit of Austrian patriotism. It was to educate "enthusiastic citizens . . . loyal to their homeland" i.e. Austria! See Eliav, *Ahavat Zion*, p. 327. When the Laemel school opened on June 29, 1856, the students sang the Austrian national anthem in a Hebrew translation.

Once again, the authors referred to the sanction of withholding the *halukkah* from those who transgressed the *herem*. This 1865 *herem* was signed by prominent Ashkenazi rabbis, most notably Joseph Sundel Salant. The 1865 *herem* emphasized the link between the Ashkenazi leaders' earlier opposition to Frankl and their current opposition to the Evelina de Rothschild school. Both the *Perushim* and the *Hasidim* of Jerusalem stated:

"We see that once again there arises the matter of a house of study for Jewish girls here in the Holy City of Jerusalem . . . to be taught crafts, various studies and languages and also Hebrew prayer and German, this matter [has been dealt with by an *issur*] . . . nine years ago with the agreement of the eminent rabbis of that time [who decreed] that houses of study for such girls and such houses of study for boys will be unacceptable here in the Holy City altogether, and enacted regarding this matter a *herem* . . . we here in this assembly do renew this edict and accept upon ourselves and upon the people in our Ashkenazi *kolelim* . . . men and women, old and young, not to enter into these houses of study and these educational institutions."<sup>88</sup>

The *herem* forbade any course of study,

"whether it is languages or craft or studies, or even the study of prayer in the Hebrew and Yiddish languages . . . but we will continue to teach our offspring as has been the custom till now from the days of our fathers in

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88 Ibid, p. 75.

accordance with the way of the Torah and the fear of God".<sup>89</sup>

The prohibition on the study even of Hebrew or Yiddish reflects the escalation of *issurim* in this matter. Without any doubt, it also reflects the growing sense of failure by the rabbis to return the evil genie of modern education to its bottle. The Ashkenazi rabbis expounded one of the main planks of their rejectionist policy, referring again to the divinely-ordained, passivist role of the Jews in Palestine:

"The entire purpose of our coming here is to spend our years [studying] the Torah of God and to worship Him and to guide our offspring, our sons and daughters, in the way of the Torah and the *mitzvot*. And we will not mix this with any other purpose."<sup>90</sup>

Moreover, the Ashkenazi leaders believed that this was the view of the faithful Jews in the Diaspora.

"Our Jewish brethren, supporting our dwelling in holiness . . . who sustain us, their entire aim is that we shall act according to our holy and pure customs which we have had since the days of yore."<sup>91</sup>

The rabbis stated unequivocally that they would not compromise the introduction of modern education, which they

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89 Ibid.

90 Ibid.

91 Ibid.



regarded as essentially irrelevant to their lives and their fate.

"Let us not enact any innovations in *Erez Israel*, and let us take upon ourselves to stand guard to strengthen this *issur* inasmuch as we possibly can."<sup>92</sup>

### 5. The Orphanage Controversy

A fresh conflict erupted within the Jewish community of Erez Israel following a visit by the historian Heinrich Graetz<sup>93</sup> in 1872. Graetz, who was openly critical of various sacred aspects of the Jewish religion, was not welcomed by the *Yishuv*. When he left, he attacked the *halukkah* system and demanded the establishment of educational institutions for the orphaned, a need that he felt was urgent because of the widespread activities of the missionary societies among Jewish orphans in Jerusalem.<sup>94</sup> Graetz won support from the

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92 Ibid, p. 76. The concept that the Jews of *Erez Israel* were destined to fulfill a special role, which precluded educational innovations, did not seem to prevent the Baghdad community from vigorously opposing the new schools in their own city. A *herem* published in Baghdad forbade the establishment of a craft school for Jewish girls because it "was in opposition to *derekh erez* and modesty." Plans for the school, which was to be established by the Alliance, were cancelled when the initiators learned of the vehement opposition of the Baghdad community elders and rabbis. [See Ibid, pp. 80-81.]

93 Heinrich Graetz (1817-1891) - historian and bible scholar. Wrote the monumental but controversial scholarly work *History of the Jews*.

94 Graetz's memorandum is found in Hebrew translation in *Darkhei ha-Historia ha-Yehudit*, (Jerusalem, 1969), pp. 277-285. Also Y. Kelner, *Le-Ma'an Zion*, (Jerusalem, 1956), p. 73.

highly regarded Rabbi Azriel Hildesheimer,<sup>95</sup> who became chairman of a society which aimed to establish orphanages in *Erez Israel*, wherein youngsters would be instructed in general studies and trades.

The response was an unremitting attack by the ultra-Orthodox groups in *Erez Israel*. This opposition was given expression in the writings of, among others, Rabbi Akiva Joseph Schlesinger. In his statement, *Kol Nehi Mi-Zion*, he expressed the vehement opposition of the ultra-Orthodox groups regarding this proposal.<sup>96</sup>

The anti-educationist forces prepared for battle from the moment the Graetz campaign became known. What ensued indicates again how relatively widespread support for modern education had become among the Ashkenazi community. Graetz and his colleague, Moshe Gotschalk Levi (the other emissary of the German Society for the Education of Orphans in *Erez Israel*), went to pray at the synagogue on their first Sabbath in the city of Jerusalem. There were plans to give the prayer service a festive tone in honor of the two emissaries from Germany, in itself an indication of the support their scheme enjoyed.<sup>97</sup> However, prior to the

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95 Azriel Hildesheimer (1820-1899) - German rabbi and leader of orthodox Jewry. Established a rabbinical seminary which became the central institution for training of orthodox rabbis in Europe.

96 A.J. Schlesinger, *Kol Nehi mi-Zion* 18, (Jerusalem, 1872), p. 8b.

97 S.Z. Sonnenfeld, *Ha-Ish al he-Homa*, Biography of Rabbi Hayyim Sonnenfeld, (Jerusalem, 1975), Vol. II.

reading of the weekly portion of the Law, a Rabbi Issakhar Ber Zvebner ascended the platform and, in traditional ceremonial style, proceeded to declare a *herem* against modern education in the name of the rabbis of the city.

This drama caused an uproar and in the ensuing days and weeks, some elements among the community attempted to mellow the effect of this by claiming that Zvebner spoke only for himself; that his was a lone voice among the many supporters of the modern educational schemes. However, when Zvebner was attacked in the newspaper *Ha-Maggid*,<sup>98</sup> by Moshe Levi Gotschalk, prominent rabbis and other members of the Jerusalem community responded that

"we were sorry to see that . . . Moshe Levi Gotschalk from Berlin dared to malign the honour of our friend, the great Rabbi Issakhar Ber Zvebner, who acted correctly and in accordance with *halakhah*."<sup>99</sup>

Rabbi Meir Auerbach, Rabbi of Jerusalem, supported this defence of Zvebner by the rabbis and the administrators of the Hungarian *kolel*:

"the words of the honoured rabbis and the administrators of the Hungarian *kolel* were true and sincere . . . the ways of the man, Dr. Graetz, who . . . denies the Mishnah and the Talmud [were unknown to the congregation], and the

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98 The first modern newspaper in Hebrew which appeared weekly under various names from 1856-1903. It was published at different times in Lyck, Berlin and Cracow.

99 *Ha-Maggid*, Vol. 19, 1872.

entire congregation was in error, for they did not know the fruits of the actions of the aforementioned person . . . and in order that the people would be told of his work, he [Zvebner] revealed something of his mores and his words . . . The words of Mr. Levi were no doubt made in error and may the good Lord forgive him . . . .  
Signed, Meir Auerbach.<sup>100</sup>

Central to Graetz's position was the support of Rabbi Azriel Hildesheimer, the Berlin Rabbi whose credentials as a talmudic and religious authority were not in doubt. His support, therefore, was all the more problematic, as far as the anti-educationalists were concerned.

In 1873, a letter was sent to Rabbi Hildesheimer by Rabbi Meir Auerbach, Rabbi Moshe Nehemia Kahanov and several others, demanding that he withdraw his support for the establishment of the Graetz orphanage. The rabbis expressed their astonishment at what they regarded as his misguided support of Graetz.

"We have heard words [of support] that we would not have imagined that we would hear from a Man of the Talmud."<sup>101</sup>

Their disdain for Graetz is not understated:

"This man is like Nimrod, the hunter, who has raised his hand . . . to desecrate all that is holy to the Jews,

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<sup>100</sup> Ibid.

<sup>101</sup> Rabbi M. Nehemia Kahanov, *Sha'alu Shelom Yerushalayim*, p. 46.

and to make a mockery of the Holy of Holies, . . . saying there is no . . . Heaven-given Torah. So how can a man [who is one of] the faithful of Israel, complete in his knowledge in the art of the sages and the words of our rabbis, may their memory be blessed, let his heart turn, and lend his ear to smooth talk of a man such as Dr. Graetz and his friends who have joined with him, and who are like the Spies in the Holy Land."<sup>102</sup>

It was clear to the Rabbis that what concerned Rabbi Hildesheimer most were reports that the neglected orphans of Jerusalem had become easy prey for the missionaries. They described these assertions as:

"falseness made up by empty people who have shaken off Torah and the fear of God, who, moved by financial greed, . . . libeled the Holy City with false information . . . . It is but a lie when they say that there are neglected orphans here, and that they go to the missionaries to request food, and that for a loaf of bread, they will commit a crime against their nation and their God. We testify regarding the Ashkenazi *kolelim* in Jerusalem that there is not one neglected orphan without supervision . . . subject to our strength and the charity [we receive from] our Jewish brethren abroad. And despite these [limited capacities], and despite the heaviness of the suffering, behold, the dwellers in the Holy City do more than they can, and hold back from their very dough . . . and from their bread . . . they will give to the poor and to holy causes."<sup>103</sup>

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102 Ibid.

103 Ibid. p. 48.

The Jerusalem rabbis berated Rabbi Hildesheimer, and sought to correct what they considered to be some basic misconceptions.

"Do those who dwell abroad imagine that they can compare the Holy Land to the cities of Europe, and the dwellers therein to the dwellers of Europe? This shall not be, and in as much as . . . God-fearing people who have deserted their residences abroad and have chosen to dwell in the Holy Land, living in the ways of the Torah alone, without . . . straying from the Oral Law and the customs of our fathers, their ways and their educational methods . . . . As long as these people remain within the walls of Jerusalem, there will not be allowed . . . a different direction in the matter of the educational system . . . these people will give their body and soul to prevent the pure souls of Jewish children to be led . . . to perdition."<sup>104</sup>

Although the signatories to this letter were careful not to offend Rabbi Hildesheimer, whom they evidently held in high regard calling him "His Torah Eminence"<sup>105</sup> among other respectful titles, they did not make a secret of their disapproval regarding the newly developed "Torah and *Derekh Erez*"<sup>106</sup> concepts which had developed in Germany, and of which Hildesheimer was a leading proponent. They hinted that he had been led astray, and was in error:

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104 Ibid.

105 Ibid. p. 49.

106 Torah and *Derekh Erez* - A concept developed by Rabbi Sampson Raphael Hirsch, a Orthodox German Jewish leader, which promoted an integration of secular life into the religious life. Among other things it predicated combining religious and secular education in Jewish schools.

A man's evil inclinations (*ha-yezer ha-ra*) has ways and tricks to trap sages and to make them fall . . . so that they can never rise . . ."107

The rabbis described a decline of Jewish commitment to the traditional Jewish identity as the direct result of *maskilim* like Graetz

"...in previous generations, any Jew who had brains . . . his main work was within the Torah and he became great in the Torah . . . now, as a result of our many sins, his interest is in foreign studies . . . and he turns the words of the living God into heresy, as is done by Dr. Graetz and others like him. What will happen with the Torah!"108

*Erez Israel* was seen as the final preserve of the traditional, Torah-based existence

"The Torah, which has been thrown out of its residences in the European continent, has a place of accommodation [here in *Erez Israel*] . . . the Torah shall come out from Zion, not technicians and idolatrous doctors."109

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107 Rabbi M. Nehemia Kahanov, *Sha'alu Shelom Yerushalayim*, p. 49.

108 Ibid.

109 Ibid. p. 49. This was a jibe aimed at the German Orthodox rabbis who were fond of joining both rabbinic and secular titles to their names, and in fact most of them were doctors in title and rabbis. Hildesheimer himself was called "Rabbi Doctor Hildesheimer", and when the extremists refer to him, they never refer to him as Rabbi Hildesheimer, but only as "doctor" in the attempt to demonstrate their utter contempt for all that he stood for.

A further argument that the rabbis put to Rabbi Hildesheimer was the principle of non-interference. Why, they asked, would a busy rabbi who has his own problems neglect the ills afflicting his own community? Why should such a rabbi think that he knows better than the rabbis of the city of Jerusalem where the inhabitants are

"planted in the courtyards of the Lord, and who eat the bread of their brethren from those who . . . support them with generous spirit . . . ."110

Hildesheimer is warned that if he continues his support of Graetz, it will cause a fire in Zion that will burn so powerfully that

"there will be none who could put it out."111

The rabbis referred extensively to previous rulings on the subject of secular education:

"Jewish children will study only the Torah of the Lord, and they will grow up therein. And if some children will be unsuccessful in their study of the Torah, they shall be taught a craft, trade . . . not the languages of the Nations, which they truly have no need for here."112

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110 Ibid.

111 Ibid. p. 50.

112 Ibid. p. 51. My emphasis - CK.



The rabbis restate the accumulated experience of Ashkenazi Jewry with *haskalah* and modern education and conclude that the moment these children were taught "external wisdom", they would desert the Jewish faith. This had happened throughout the world, according to the rabbis, and most of the *maskilim* had deserted the ways of the Torah. *Erez Israel* must be saved from this fate.

"There remain, at least in our holy country, all the ancient customs and [people] learn only the Torah of the Lord."<sup>113</sup>

The letter to Hildesheimer was signed as

"the petition of his friends seeking . . . love, peace and truth. Signed, Meir Auerbach and Moshe Nehemia Kahanov".<sup>114</sup>

This appeared to be a message of uncompromising separatism and isolationism. Between the lines, however, it is possible to discern change in the official attitude of the ultra-Orthodox vanguard. The objection was to the secular education of those youngsters who were capable of devoting themselves solely to Torah study, but those who were found to be unsuitable for Torah study when they grew up could, stated the rabbis, be taught a craft and a trade. Twenty years earlier, even this concession would have been unthinkable.

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<sup>113</sup> Ibid.

<sup>114</sup> Ibid. p. 52.

A *kunteres*<sup>115</sup> published in 1873, beginning with the words "Zion in her bitterness shall weep," attacks the idea of

"taking orphan children to teach them [foreign] language and books . . . which is the beginning of sin."<sup>116</sup>

The Ashkenazim again referred to the heavy losses inflicted upon the Jewish people abroad by conversion and secularism, particularly, they emphasized, among those who left the fold under duress from royal decrees, among which were the Cantonist decrees.<sup>117</sup> Suddenly, the

"northern robber [Russia] who has destroyed the oases of Jacob . . . [is] at the gates of Jerusalem."<sup>118</sup>

The *kunteres* supported the rabbis' letter to Hildesheimer by deriding the suggestion propounded by the educationalists that they were attempting to save these children from the missionaries.

"They have begun and said that their wish . . . is to save Jews from the net of the missionaries . . . but if their words were to be sincere, they would have built orphanages for the study of the law of God . . . together with crafts or agriculture . . . and not

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115 *Kunteres*: a rabbinical opus often in the form of a pamphlet. L. Zunz regarded the word as an abbreviation or corruption of the Latin word *commentarius*.

116 *Kunteres Zion ba-Mar Tivkeh*, (Jerusalem, 1873), p. 1; see also *Ma'asei Avot*, pp.39-43.

117 *Ibid.*

118 *Ibid.*

these studies of the gentiles, which are the opening towards sin."<sup>119</sup>

In contrast to the letter's derision of the "*Torah im Derekh Erez*" philosophy, the writers of this *kunteres* say

"How goodly it would be if they would have kept to the concept of 'Torah is good with *derekh erez*' and would teach them also a light and clean trade by which they could find a reliable source of sustenance within the ways of the Lord. Had they done so, we would have kept our silence. We would have said 'may you be welcome in the name of God'".<sup>120</sup>

This document again illustrates the continuing ideological shift towards productivity and activism. Earlier, this phenomenon was barely perceptible; now, the starting position was that studying trades, crafts, and agriculture for purposes of making a living was, in itself, acceptable, although still quite unacceptable when combined with secular studies.

The anti-educationists continued to believe that modern educationalist schemes and schools were the thin edge of the wedge; that they would open the door to a more liberal education, which would lead young Jews away from their Jewish studies and their heritage. The anti-educationists compared these Jewish reformers with the missionaries.

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<sup>119</sup> Ibid. My emphasis - CK.

<sup>120</sup> Ibid.

"We have said before: what is the difference between their ways and the ways of the missionaries? For what have I here and what have I there? And [their ways] are no better than the ways and the deeds [of the missionaries]."121

Indeed, the traditionalists regarded the Jewish educational reformers as a more insidious threat than the missionaries; for the ultimate aim of the missionaries, the argument ran, was obvious to all, no matter how hard they tried to disguise their purpose. But

"these [the educationalists] are worse than them, as they are a nuisance to the community that will be brought [to taste] the fruit of sin; a stumbling block to precious souls, who would never be caught by the net of the missionaries."122

In 1873, an edict was signed by 300 rabbis and heads of *yeshivot*, including Rabbi Samuel Heller (the Rabbi of Safed), the rabbis of Tiberias, and Rabbi Elijah Suleiman Mani, head of the Sephardi community in Hebron, reiterated opposition to secular schools. This edict was published under the dramatic name of "The Flashing Sword"<sup>123</sup> (see plate ). It began by declaring that (notwithstanding the participation of Rabbi Mani),

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121 Ibid.

122 Ibid.

123 Mani, Heller, et al, *Ha-Herev ha-Mithapekhet*, (Jerusalem, 1873).

"We, the Ashkenazi *kolelim* in Jerusalem and its environs [and] in all the cities of the Holy Land confirm [that] . . . there lies the terrible and grave *issur* . . . and any man or woman, old and young, boy and girl, whomsoever they would be . . . who would transgress this *issur* . . . will be excluded . . . from the community of Israel."

In the event, financial difficulties delayed the building of Graetz's orphanage for several years. Only in 1876 was there a real start as the first orphans were accepted - all Sephardim. The bill for the education of these orphans was met by the Society for the Education of Orphans in Berlin.

Despite the vehement opposition by the dominant ultra-Orthodox community, another orphanage was opened in 1880. This was achieved with the help of the German Consulate, and among its first pupils were four orphans who were transferred from Mikveh Israel. The institution was headed by Dr. Wilhelm Herzberg, a protege of Graetz. Herzberg and the society in Berlin declared that they would adhere to the traditional Orthodox education and insisted that their intention was simply to teach the orphans to be more productive.<sup>125</sup>

The Germanization and the direct, active involvement of the various German consuls in the affairs of the orphanage led

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<sup>124</sup> Ibid.

<sup>125</sup> See Eliav, *Erez Israel*, p. 225.

to an absurd situation, with Sephardi children studying the Bible in the German language!<sup>126</sup>

#### 6. The Mikveh Israel School

The *Mikveh Israel* School was established in 1870 by the Alliance Israelite Universelle at the invitation of Charles Netter<sup>127</sup>. It was initially publicized that the school would also provide a livelihood for impoverished Jews who wished to turn their hands to agriculture:

"Some society . . . from Paris, which was planning to establish fields and vineyards, to fulfill the *mitzvah* of *yishuv ha-Arez* [settlement of the land], took large sums of money, which they gathered from our brethren, the Children of Israel, for this good purpose, and the government, in its generosity gave them a large estate near to the city of Jaffa, where there is place for perhaps several hundred souls and the unfortunate poor were pleased . . . for who is the man who would wish . . . to live off other people's tables, and we are prepared to plow and sow with our ten fingers, maybe the Lord would have mercy and we would eke bread out of the earth by the sweat of our brow."<sup>128</sup>

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<sup>126</sup> *Havazelet* (Year 7; 1877, no. 10, p. 71). While the Consul Alten had been driven by a desire to improve the quality of life for local Jews and had vigorously supported the establishment of the orphanage in 1873, his replacement, Baron von Münchhausen, was motivated solely by German interests. His aim was to accelerate the Germanization of the Jews of *Erez Israel* in order to provide a power base for German ambitions in the region.

<sup>127</sup> Charles (Izhak) Netter (1826-1882) - born in Strasbourg. Moved to Paris in 1851 and led a life filled with public activities, among which was the establishment of Jewish schools.

<sup>128</sup> *Kunteres Zion ba-Mar Tivkeh*, (Jerusalem, 1873), p. 1; see also *Ma'asei Avot*, p. 41.

The anti-educationalists, however, were scornful and dubious about the Alliance's intentions:

"not agriculture did they want . . . they did not give fields nor vineyards, and no Jew makes a living from there . . . their only wisdom is to take little children, dress them like Frenchmen, teach them French, and send them to Paris . . . and for this purpose they have sent a man . . . of fifty years old and over, who has never married, and who has brought with him a teacher from Paris to teach them the ways of the French."<sup>129</sup>

In this context, it should be noted that there is every indication that the *Mikveh Israel* school was run on halakhic lines, and complied fully with the ritual requirements set out by the rabbis of Jaffa. For example, in a previously unpublished manuscript, Rabbi I.H. Levy, who was described on the letterhead as "President du Tribunal Rabbinique, Jaffa, Palestine",<sup>130</sup> confirmed that the school practiced the ritual of separating *terumah* (a form of tithe) and tithes from the vegetables at the agricultural school. The produce was then sold in Jaffa.

The approval of various eminent rabbis for the *Mikveh Israel* school can be discerned from other sources, too. In a previously unpublished letter, Rabbi Moshe Malka, the Moghrabi community leader, congratulated the A.I.U. organisation for having

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<sup>129</sup> Ibid.

<sup>130</sup> Central Zionist Archives J41/274. See Plate VII.





"chosen as a director a . . . distinguished man<sup>131</sup> who stands in the breach in every matter, whether it is regarding to the *kashrut* of the fruits and *terumot* and tithes as ordered by the Torah. May there be many more like you in Israel . . . and we will pray for you before the *Shekhinah* . . . that whatever you do will be blessed and the field will give its fruits and that you may live many days and years happily and pleasantly."<sup>132</sup>

The *Mikveh Israel* school was also in close contact with some of the leading halakhists of the period, who visited the school regularly. This alone indicated a broad measure of approval. In a previously unpublished letter, Rabbi Jacob Saul Elyashar, expressed his appreciation to Mr. Niego and his wife

"for all the great trouble that you have taken during the days when I stayed with you."<sup>133</sup>

Friendly and mutually respectful relations were also indicated by the warm congratulations sent by Rabbi Elyashar to Niego on the birth of his son. Indeed Rabbi Elyashar proved very supportive of the *Mikveh Israel* agricultural school, and in a letter written at the end of the century, the rabbi informed Niego regarding an inquiry by the Hakham Bashi of Constantinople, who asked him whether

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131 Joseph Niego (1863-1950) - teacher and social worker.

132 Central Zionist Archives, J41/206/1.

133 Central Zionist Archives J41/206/2 See Plate VIII.

ב"ה  
היום א"ך קיב להו' השון התרנ"ד

רובי שלמות, וברכות עליונות, יחולו על ראש יד"ן מהמד לב' הארון היקר והנכבד חפץ חסד -  
ומרבה להטיב לטל בקשת פ' יוסף נייגו - לנו ורשינו היקרה הגברת המשפחה הכבודה -  
והלנו מאדאם לראה תמ' שמש גדלו ורומם לעד בירא!

ארון יקר ונכבד! שלום

הנני להודיעכם כי תלית' תמונ' בערב הגעת' להט"ו, עתה באתי להביע לכבודכם את רגשי לבבי ואת תודותי וגם לפנטם  
על כל הכבוד אשר כבדתוני, ועל טרחכם הרבה בימים אשר ישבת' אתכם רב תודה לכם ותשחות חן קן בעל הגמול שלם לכם כמקעליכם -  
הטובה, והני הפילה לפני שכינת עזוננו בתל המערבי למשן יפתח לכם ה' את אולדו הטוב וישיע עליכם שפע ברכה והללחה -  
ובכל אשר תפנו תסכינ' והלליתו באורך ימים ושנות חיים אמן, להנאה בים הנשימים שני בניך מוסיו (נצרה) ינו -  
והילד שעשועים קצר ינו אברך אותם בברכה המסולבת בתורה והאל גדלם לתורה ולהופה ולמלות ונועט' בחי' אביהם ואמם בירא!  
רק אין דבר זולת בני היו' וכל בני ביתי פורשים בשלומכם וכבודכם גדל כנהר' ונאה' החותם בברכה וזכר עז ושלום ונשי -  
בירא

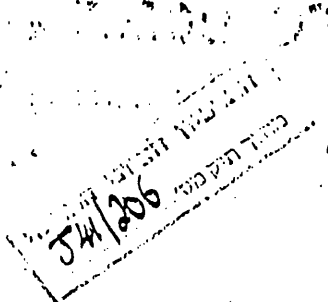


Plate VIII: Letter from Rabbi J. S. Elyashar to Joseph Niego - Director of Mikve Israel School

"the wine of *Rishon le-Zion* and the Cognac thereof"<sup>134</sup>

were kosher,

"I wrote him that the wine of *Rishon le-Zion* is not under my supervision, and I know nothing about it, but the wine of *Mikveh Israel* is under my supervision, and I personally have been there and visited all the cellars and have seen all the workers and the chief artisans . . . and there is no fear [regarding their *kashrut*] whatsoever."<sup>135</sup>

In his keenness to promote the *Mikveh Israel* school, Rabbi Elyashar suggested to Niego that

"in my opinion it would be a good thing to send to the Great Rabbi, the aforementioned *Hakham Bashi*, a few bottles of excellent wine and excellent Cognac."<sup>136</sup>

#### 7. The Re-establishment of the Alliance School

The Jerusalem visit of Nissim Behar<sup>137</sup> (in 1880), spawned a new *herem* against secular schools. Behar's visit was aimed at renewing and re-establishing the Alliance Institutions in Jerusalem. As stated earlier, the first school of the

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134 CZA J41/209, (Jerusalem, 1899). See Plate IX.

135 Ibid.

136 See Plate X, which is a certificate issued by Rabbi Elyashar certifying that there was no suspicion of *kilayim* or *orla*, that he personally had extracted *terumot* and tithes, and that the wine and the Cognac were kosher.

137 Nissim Behar (1848-1931) born in Jerusalem; graduated in Paris from the Alliance Institute in 1869. Headed Alliance school in Constantinople 1873-1882. The rabbis' hostility to Behar resulted in his being relieved of his duties as headmaster of the Alliance school in Jerusalem in 1897. Became a communal and public figure in the United States, where he died.

ל יום י"א למועד התענית

יעקב שאול אלישר הי"ד  
ראש הרכנים בעה"ק ירושלים ה'תקפ"ה

J. S. Elyachar

Grand Rabbin de la Palestine

JERUSALEM,

אלהם כבד נשע יקרב לאור עבודת האדם  
דיקדק ועלוב פני יקראו נאמן ע' מנהל  
בית הפטור מקדוק ישראל יחי שמו לעד  
עלול

החת עשוי

הנה להודיע כי קבלתי מכתב מקדוק שאו ועל מכתב הגדול קאומאקאס  
אפ"ש תבס באפ"ש נחמקא ממנה להודיעו אודות כ"ץ אל מאצק  
ל"ון נהקדוקאקאס הוא עשוי בשפנות כל אדם תבא כלל ונא  
תכתוב לי עדי"ן אל מאצק ל"ון סיגרתת האגרותי נאיה יודע בו  
כלל מעל כ"ץ אל מקדוק ישראל הנה תתת האגרותי נאיה עשוי  
בית' אש נכתובת כל  
האומנים האשים וכלם הם מכתב יצאל ככאפוס נאיה כעבדני הפטורתי  
תדומות נענויבנה ולא יש תבס אנס נשע כלל ועיקר' נדבן ל"ש כשע  
מן החזני לטעוראק הגדול (תבס באפ"ש הנה איזה כלתיות אל"ן  
מאוב נקונאקא תשעב' אס ימכוס דעתו' עב פאץ משעל נאדון  
טאדון לעשות ככאדון נשארתי כנבץ באהר ע' נאיה התועם סבכר

ועבדני  
עלול ישראל  
כא  
כא  
כא

Plate IX: Rabbi J. S. Elyashar's Confirmation that Mikve Israel Wine is Under his Supervision

בית ירושלים ת"ז.

# ו ז א ת ה ת ע ו ד ה

זאת לערה והודעה גלויה איך אמוץ כי זה זמן לא כביר שלחתי שני תלמידי חכמים  
 רשומים לבקר את בית הספר לעבודת הארטה **מקוה ישראל** אשר  
 לחברת כל ישראל חברים יכביין ובקרו את כל  
 הגסנים וראו שאין בהם חשש כלאים ולא חשש ערלה, וגם היו שם בימי הכציר והעידו לסני  
 בתורת ערות גויש שהסועלים העושים במלאכת היין כולם מכני ישראל דוקא ולא שום  
 יד זרים כלל ועיקר.

ואנא נסשאי ראשון לציון החיט בקרתי בעצמי בחדש תמוז העבר את בית הספר  
 הנ"ל והפרשתי תרומות ומעשרות כדית והכל עושין ככשרות כדית באין תסונה.  
 וכל שורה טהיין והקניאק סאך לבו לא יירא, ועדיא חיש סעיהיק ירושלם ת"ז כיום ט"ז  
 טבת הת"נה והכל שריר זכריר וקים.

הצעיר

**יעקב שאול אלישר סי"ט**

(נכא סימן ישי"א ברכה סי"ט).

(פקום דחוקים)



התרכיבו זמני וזמני  
 מתוך תיקוס 541/11.2

Plate X: Rabbi Elyashar's Confirmation that Mikve Israel Wine and Cognac are Kosher

Alliance was founded in 1868 by Kreeger. The school did not survive, and was closed down shortly after its establishment in 1870.<sup>138</sup>

A renewed Alliance school called *Torah u-Melakhah* (Torah and Work) was opened in 1882. Behar was considered by the Ashkenazi ultra-Orthodox to have deserted the Jewish religion and tradition and was not welcomed in Jerusalem. Later, a similar attitude was adopted by the Sephardi groups, which had initially given their blessing to set up the school, but had later reversed this decision, as described below.

At the outset, however, the Sephardi rabbis had unequivocally welcomed the establishment of the Alliance School - in stark contrast to the prohibitions and *haramot* placed upon it by the Ashkenazi rabbis.

A *herem* was imposed upon all parents who sent their children to the Alliance school. For example, Rabbi Joshua Leib Diskin imposed a *herem* on Yehoshua Yellin, which was vividly described in Yellin's memoirs.<sup>139</sup> According to Yellin, the *herem* was imposed on the orders of the Rabbi of Brisk in the synagogue where Yellin prayed. He described how the two emissaries of the Briske Rabbi read the *herem*, and placed it

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<sup>138</sup> Eliav, *Erez Israel*, p. 223.

<sup>139</sup> *Zikhronot le-Ven Yerushalayim*, (Jerusalem, 1924), pp. 137-139.

upon Yellin, who had sent his son, David, to the Alliance School. Among other strictures, it prohibited people from patronizing his shop.<sup>140</sup>

In addition to the economic boycott, other indignities were heaped on Yellin via the *herem*. For example, he was treated as a non-person for the purpose of gathering a *minyan* (a

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<sup>140</sup> Ibid. Yellin apparently was only informed of the *herem* placed upon him later on that day, the Sabbath when some of his friends and acquaintances, treating the whole matter as a joke, shook his hand and informed him of the matter. He was congratulated by many people, he relates, upon his bravery in sending his son to the Alliance School.

"And so they continued to say to me, 'Yellin, we've come to congratulate you and to thank you for the redemption that you have brought upon us and our children, and for your bravery in breaking through the wall which our innocent forefathers had set up, believing in their innocence that this country would be forever in the same state as it was in their day, forsaken and derelict, without any commercial contact between it and the emancipated world, and that forever the *Erez Israel Yishuv* would remain small and insignificant in quantity and quality, and we say to you '*yishar koah*', and may you succeed in this way and do not mind the curses and the insults which your enemies pour upon you, and our hope that the God who protects the persecuted in the same way that Joseph, who was persecuted by his brothers rose to greatness, so will be the end of your son, and he will rise to greatness higher and higher.' Ibid. pp. 137-139.

This quote, although not rabbinical in source, is interesting because it defines succinctly the dichotomy between the activists and the passivists, which is the major theme, in the opinion of this writer, which ran as a thread through the educational controversy as it did in other areas of life.

prayer quorum)<sup>141</sup>. As a result, Yellin, an Ashkenazi, turned to the Sephardi rabbis - to the *Bet Din* of the *Hakham Bashi* - to ask whether he had, in fact, so grievously transgressed against the Jewish religion by sending his son to the Alliance School. The *Responsum* was signed by the *Hakham Bashi*, Rabbi Raphael Meir Panigel and Rabbi Jacob Saul Elyashar and was appended with the official seal of the Turkish government. It began with the details of the question before the court:

"Rabbi Yehoshua Yellin [asked regarding] the honourable society of *Hevrat Kol Israel Haverim*, which has established a school to teach children Torah, wisdom, trades as follows: 'And when I saw that the school was conducted in accordance with the fear of God, I sent my son in order that he might learn Torah and especially wisdom, and now a few members of the Ashkenazi community have risen up against me to persecute me, stating that it has been long established that the most high rabbis of the Ashkenazim and their kolelim . . . were determined not to send their children to study [foreign] languages in the schools, and

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141 Yellin relates a painful story as to how his friend, Rabbi Moshe Nahum Levinstein, who was later the head of the *Bet Din* of the *Perushim*, said to him

"'Joshua, I am collecting a *minyan* for the afternoon prayers, let's pray at the *Bet Midrash* of Rabbi Samuel Salant.' And I went with him, and we prayed there *minhah* . . . when we finished, he called me aside and said to me 'I called you to complete the *minyan*, but I forgot that you cannot be counted as a part of the *minyan* [because of the *herem*], so in order that you should not think that the *Perushim* have gone against [the *herem*], I must tell you that I made a mistake in my hurry to collect a *minyan*.'" Ibid. p. 139.



because this makes light of the Jewish faith, Heaven forfend. They persecute me, stating that I transgressed the *issur* of these rabbis . . . because in the above school there is also the teaching of foreign languages. Heaven forfend that I would [act against] an *issur* . . . if I would see that there would be something in that school anything against the Jewish faith, Heaven forfend! Only I see that the school is conducted in keeping with the awe of the Lord as much as possible. And if, Heaven forfend, I will see in the future even the slightest sign that [it is moving] against the Religion, I would not, as the son of my father, allow my son to attend there."<sup>142</sup>

It might have been expected that the Sephardi rabbis would refuse to deal with this matter. Firstly, it might have been assumed that they would avoid it in order to maintain good relations with the Ashkenazi community; secondly, because they would be dealing with somebody who, nominally at least, would be outside of their jurisdiction.<sup>143</sup> In fact, the Sephardi rabbis took precisely the opposite position: they not only permitted Yellin to send his son to the school, they publicly pronounced as null and void the original Ashkenazi *issur* on which Diskin's *herem* had been based.

" . . . when we heard all the words of Rabbi Yehoshua Yellin [we could see] that his heart was turned towards heaven, and we gave him an absolute *heter*<sup>144</sup> to send his son to the school as long as the school is conducted in the aforementioned manner, and the *issur*

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142 Ibid. p. 139.

143 Similar jurisdictional problems are discussed elsewhere in this paper. See Chapter 10.

144 *Heter*: Permission, or release from a prior obligation.

does not apply at all, but just in case we went through the ceremony of *Hatarat Nedarim ve-Issurim* [a ceremony of annulment of vows and prohibitions] in accordance with the laws of the Torah and the writings of our Sages, may their memory be blessed, and this in front of three rabbis."<sup>145</sup>

It should be noted that the agreement of the Sephardi rabbis to the establishment of the new secular educational institutions was not, however, without its provisos. As has been described in the case of the Laemel School, and others, the Sephardi rabbis spared no effort to ensure that the institutions were run on Orthodox Jewish lines.

At times, once the institution had firmly established itself, it dispensed with rabbinical guidance and modified the curriculum as it saw fit. A case in point was the Alliance School. As noted above, in 1882, following the establishment of the school, most Sephardi rabbis and leaders gave their approval and in Yellin's case, even annulled the Ashkenazi *issur*. Among the Alliance supporters were Rabbi Jacob Saul Elyashar and Rabbi Moshe Malka (one of the heads of the *Moghrabi* community and a founder of the school in 1868 with the assistance of the Alliance).

Only five years later, however, in 1887, the Sephardim totally reversed their stance and imposed a ban on the Alliance school. Among the signatories were Rabbi Jacob

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<sup>145</sup> Yellin, *Zikhronot*, p. 140.

Saul Elyashar and Moshe Malka, who expressed their bitter disappointment and said that

"It is evident that in this place the Torah of Moses is caused to be forgotten  
...."<sup>146</sup>

After disappointment, it was natural that the Sephardi rabbis assumed a far more negative position towards secular schooling and closed ranks with the Ashkenazi rabbis on this issue. This new solidarity was shown in the following joint Sephardi-Ashkenazi statement:

"We now know for certain that it is impossible to have an *iscola* in the Holy Land, because from it will come destruction of the religion, and therefore we the undersigned, the Sages and Rabbis of the *kolelim* of the Holy City, accept upon ourselves . . . not to agree to an *iscola* in the Holy Land, and that even should there be an agreement to send us another director, or even if they agree that the *iscola* will be under the supervision and in accordance with the *halakhah* of Israel."<sup>147</sup>

This momentous unity of purpose between the Sephardi and Ashkenazi communities was accompanied by an attempt to save face on the part of the Sephardi rabbis, who, after all, had all along ignored the dire warnings of their Ashkenazi colleagues about the dangers of secular education. The Sephardi *issur* against A.I.U., therefore, was replete with

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146 A. Ben-Yaakov, *Yerushalayim Quarterly*, Year 3, Issue 2-3, (1950).

147 Ibid.

references to various hard-line minority Sephardi positions against secular education, which was now enthusiastically adopted by the mainstream Sephardi authorities. The *issur* made reference to the *herem* of the period of Rabbi Gagin,

"in whose time the Sages and Rabbis of the Sephardim and Ashkenazim together . . . agreed not to accept this matter under any circumstances, and even if the *iscola* would be run according to the rabbis, they would not agree."<sup>148</sup>

The rabbis explained that they were deceived by Nissim Behar, the great-grandson of Rabbi Abulafia, the Sephardi supporter, an originator of the original *issur* against modern education.<sup>149</sup> The Sephardim further claimed that Behar possessed the gift of persuasion as well as an illustrious lineage.

"For how is it possible that we went against the *issur* which was pronounced by the earlier rabbis . . . . This man's persuasiveness was such that he was able to defraud the Sages and Rabbis of Israel by stating that the *iscola* had to be founded in *Erez ha-Kodesh* [the Holy Land] as this was required by the imperial government, whether we wished it or not, this matter had to be...."<sup>150</sup>

Rather shamefacedly, they added:

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148 Ibid. My emphasis - CK.

149 Ibid. See also above.

150 Ibid.

"We have attempted, and we said it is good, to accept this *iscola* and to believe this man's promises."<sup>151</sup>

This was a rather weak excuse, and the Sephardim must have known this. It hardly seems likely that the *Hakham Bashi*, the official intermediary between the Turkish government and the Jewish community, would have been unaware of an imperial order to establish such a school. Also, the Sephardim had the political means to at least try to resist such an edict, had one been issued. In the light of what the Sephardim presented as a successful deception perpetrated by Behar and his followers, the language of the *issur* was unusually harsh:

"No man resident in the Holy Land can send his son into any *iscola* . . . In our opinion [if he does] he is like a man sacrificing his son idolatrously."<sup>152</sup>

The Sephardi rabbis, however, went much further in their effort to prevent such "deceptions" from succeeding in the future. They stated that all "*iscolas*" were to be forbidden. Even if a school were established

"in such a way which seems that there is no fear of the destruction of the religion, all is vanity and evil spirit! For, as time goes on, any good part will be carried off by the wind and nothing will be left except the bad part."<sup>153</sup>

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151 Ibid.

152 Ibid.

153 Ibid.

This *issur* added further sanctions: anyone transgressing it would not only be expelled from the Jewish community, but his children would not be circumcised and he would not be buried by the Jewish community in accordance with Jewish customs. Headed by Rabbi Elyashar, the signatures of the leaders of the Sephardi community followed, among which was that of Rabbi Moshe Suzin.<sup>154</sup>

#### 8. Hildesheimer's proposals to the Pekidim and Amarkalim Society

Meanwhile, the controversy regarding A.I.U. and the establishment of the orphanages for Jewish children continued to rage abroad. Rabbi Hildesheimer suggested in 1880 to the *Pekidim ve-Amarkalim* society that they establish an educational institution of their own in Jerusalem, with the dual purpose of countering missionary activities and in response to the growing ultra-Orthodox concern over the direction of the A.I.U. The suggestion was designed to win the favour of the religious establishment in Jerusalem, and enable the establishment of schools with a broad learning syllabus, which would include study of the Bible, language, grammar, Jewish history, geography and foreign languages.<sup>155</sup>

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<sup>154</sup> Ibid. Rabbi Solomon Moses Suzin was appointed *Rishon le-Zion* 1824 and died in 1836. He was responsible for a considerable number of *takkanot* and did much for the population of Jerusalem. See A. Ya'ari, *Sheluhei Erez Israel*, (Jerusalem, 1951), pp. 182, 563.

<sup>155</sup> *Die Jüdische Press* (Berlin, 1880), no. 29-30.

The *Pekidim* and *Amarkalim* were inclined to adopt the Hildesheimer proposals, and broached the idea with the various *kolelim* in Jerusalem. Knowing the passionate aversion that the ultra-Orthodox camp had for modern schooling, the *Pekidim* and *Amarkalim* emphasized that the idea was defensive - i.e. passivist - in nature, and that there would be

"*Talmud Torah* houses in which the flock would drink as before the sweetness of the Torah and those gathered there will also be taught Arabic writing and language, and arithmetic . . . the study of the Torah will be the main object, and the above-stated studies will be incidental to their [study of] the Torah."<sup>156</sup>

The heads of the *kolelim* were not, after the decades-long battle against secular education, pleased by this new interference. They poured cold water on the proposed enterprise. The *Pekidim* and *Amarkalim* were so enraged that at one point they threatened to withdraw their support from the *Yishuv* if the proposal was not accepted. However, the heads of the *kolelim* informed the *Pekidim* and *Amarkalim* that this would have no effect. Even if the *Pekidim* and *Amarkalim* who

"have always been a wall and a shelter unto us against tyrants, be forced as a

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<sup>156</sup> P. Grayevski, *Bet ha-Ozar, Mi-Ginzei Yerushalayim*, Issue no. 8; see also Eliav, *Ahavat Zion*, p. 336.

result of the storms of the period, to bend their heads"<sup>157</sup>

and accept the prevailing pro-educational mood, they - the leaders of the *Yishuv* - would not agree to any such idea and would not annul the *issurim* against secular education.

Furthermore, they added:

"even if a *gaon*<sup>158</sup> and a *zaddik* would come to establish another method of education, it would be unacceptable."<sup>159</sup>

The Hildesheimer *Pekidim ve-Amarkalim* proposals threatened a schism within the ultra-Orthodox world. Seeing that nothing would be achieved against the uncompromising attitude of the rabbis, the *Pekidim* and *Amarkalim* aborted their plans.

It should be noted that the *haramot* against secular studies are still enforced among the most extreme elements of the ultra-Orthodox community in Jerusalem, regulations of the Israeli Ministry of Education notwithstanding.

Nevertheless, the broader effort to prevent modern education of Jews failed.<sup>160</sup> The fears which prompted this effort

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157 Letter from Rabbi of Ashkenazi, *Perushi*, and Hasidic *kolelim*, (1 Elul, 1881), Hirsch Archives HM 4767.

158 *gaon* (pl. *geonim*): originally a title bestowed on the heads of the Jewish academies of the post-Talmudic period. Later, a title bestowed on especially prominent rabbinic scholars.

159 *Ibid.*

160 The effects of the modern school movement on the *Talmudei Torah* (religious schools) became more evident as time went on. A question put to Rabbi Elyashar in the 1890's discusses how a philanthropist in the city of Safed had bought a building for the establishment of a *Talmud Torah*



proved correct in many respects, and the modern educational system became the road to a secular identity for many young Jews which, more often than not, has proven to be at odds with the traditional Jewish way of life.

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"and from the day it was built there the tutors sat to teach to children of Israel the written Torah and the oral Torah." [Jacob Saul Elyashar *Ma'aseh Ish* (Jerusalem, 1898) p. 7.]

However,

"for three years there has been no *Talmud Torah* because the children have gone to study writing languages of people in the schools that have been established by the Baron . . . and the *hazer* has remained and the schools therein are empty . . ." [ibid.]

The question put to Rabbi Elyashar was whether under these circumstances it was permissible to sell these or the rent them out. Elyashar permitted this on the condition that the income be kept by the *Talmud Torah* for future use [ibid].

**SECTION II: THE MATERIAL STRUGGLE**

Chapter IV: *Halukkah*, Poverty, and Discord

Chapter V: Demography and Land Acquisition

Chapter VI: Trade and Commerce

CHAPTER IV

HALUKKAH, POVERTY, AND DISCORD

The *halukkah* system was an organized collection of funds from Diaspora Jewry for distribution among the Jews of *Erez Israel*. Jews in the Diaspora formed committees to collect money, which was sent to Jerusalem every few months. The origin of the *halukkah* concept - the Diaspora supporting *Erez Israel* Jewry - can be traced back to Talmudic times (see Babylonian Talmud Tractate *Bezah*, 25b.)

The *Erez Israel* community also sent emissaries - called *shadarim*, an abbreviation of *shluhah de-rahmana* or of *shluhah de-rabbanan* - to collect money. Great scholars and eminent rabbis sometimes served as *shadarim*. This helped to maintain a close link between *Erez Israel* and the Diaspora. The *shadar* entered into a contract which entitled him to compensation for his services (see plate XI, which illustrates a *shadarut* contract.)

In 1824, the *Pekidim* and *Amarkalim* Society centralized the collection of European funds in Amsterdam (see Chapter 1, footnote 63.) After 1850, the Ashkenazi community began to split into many *kolelim*, each *kolel* trying to enlarge its share of the *halukkah*.

This chapter will not discuss the workings of the *halukkah* system in detail. This has been done many times by many scholars.<sup>1</sup> This chapter will, instead, focus on the

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<sup>1</sup> See Eliav, *Erez Israel*, pp. 110-145; also *Ahavat Zion* pp. 14-19; A. Ya'ari, *Sheluhei* (all the first section);



influence of the inadequacies of the *halukkah* system upon the lives of the Jews of *Erez Israel*. In particular, the chapter will describe conflicts between *kolelim* over *halukkah* funds and the rise of the anti-*aliyah* movement.

The *halukkah* system was a mainstay of many people's lives. It was, moreover, the source of a great deal of friction and bitterness between the Ashkenazi and Sephardi communities, as well as between various factions within these communities. The incessant, grinding poverty and the general lack of funds inevitably led to disputes over these scarce resources, and many of the disputes which arose within the *Yishuv* during this period were directly or indirectly connected with financial matters and the administration of public money.

It was a painful fact that the *halukkah* funds were simply not sufficient to support the Jewish community in *Erez Israel*. This was particularly true of the smaller communities, such as that in Hebron. Rabbi Joseph Raphael Hazzan,<sup>2</sup> in his *Responsa Hikrei Lev*<sup>3</sup> wrote that

"when I was in the holy city of Hebron.  
. . [throughout] all my days there, my  
soul was saddened when I saw the people

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Gat p. 93; M. M. Rothschild, *Ha-Halukkah 1810-1880* (Jerusalem 1969).

2 Rabbi Joseph Raphael Hazzan, one of the main rabbis of Izmir, came to live in *Erez Israel* in 1811 and served as rabbi of Hebron. He later became the *Rishon le-Zion* in 1813 and went to live in Jerusalem; he died in 1820.

3 Printed Jerusalem, 1813, p. 10b.

living there chased by the angel of poverty. . . ."

In the same *Responsa*, Rabbi Joseph Rafael Hazzan added that

"the supply [of funds] to the *yeshivot* is [but] a tiny quantity, and all the income that comes from abroad is not sufficient."<sup>4</sup>

With funds so limited, it is scarcely surprising that some Jews living in *Erez Israel* regarded the spectre of an ever-growing flow of immigrants with dismay, for the influx meant sharing a diminishing portion of the *halukkah* with a growing number of needy Jews. As shown below, it is evident from various *Responsa* of this period that continuous immigration did indeed arouse deep-seated fears in some sections of Jewish society in *Erez Israel*. Some elements of the Jewish community reached the conclusion that all new Jewish immigration must cease.

To add to these fears, there were Jews in the Diaspora who erroneously thought of the *halukkah* as a free handout and, thus a viable substitute for the need to earn a livelihood. This misconception occasionally led to immigration by those who hoped to solve their economic problems by moving to *Erez Israel* and living off the *halukkah*.<sup>5</sup> These individuals

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4 Ibid.

5 Zevi Hirsch Lehren, as the head of the *Pekidim* and *Amarkalim*, wrote

caused the veteran community to look upon all immigrants with suspicion, and exacerbated the hostility toward continued immigration.

As the *kolelim* were the organisations responsible for the welfare of their members, they were also responsible for the distribution of the *halukkah*. They bore an enormous economic burden, and this can partially explain the vehemence of the anti-immigration lobby. A manifesto, signed in 1862 by some 40 leading Sephardi rabbis, described the many needs of the Jews of the *Yishuv* - all of which had to be met by the *halukkah* funds distributed by the *kolelim*.

"We the dwellers in the four [Holy Cities, i.e. Jerusalem, Safed, Hebron and Tiberias]. . . fully know that the number of. . . those who need charity is close to the figure of three thousand souls. And at 10 *grush* for each person the costs are thirty thousand per year. And we are aware how much is necessary per year to dress them in the winter and how much more is needed for the teachers of the children. And it can happen that there are ill people among them. . . and apart from this we need for the *kolelim* of our city and to bury the dead. . .

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"there are those that have complained that there are people emigrating from Poland to *Erez Israel* for lack of a living in Poland, and thus fall as a burden on the public. . . and what is the advantage for all that is done in favor of the dwellers of *Erez Israel* . . . if there is no ordinance or prohibition, so that not all who want to come in can come in and enter?"

(Rivlin, *Iggrot ha-Pekidim ve-ha-Amarkalim*, Vol. A (1), p. 91 seq., and also pp. 95 and 125). See also T.V. Parfitt, *Jews in Palestine*, p. 122.



and [to enable] the *kolel* to give for the marriage of the children whether boys or girls. . . . All this apart from the monthly sacrifice which is given from the pocket of the *kolel* to orphans and widows. . . . And food which is distributed every Sabbath eve and also coal which is distributed in the days of the snow, quite apart from the tax bills of the king [which are] laid upon our head. . . from whence will come our help? and which regular income is there for the *kolel* of the Sephardim in the Holy City of Jerusalem except for the mercy of Heaven and the philanthropists [who come] to the assistance of God, the princes of loving-kindness."<sup>6</sup>

The burden on the *kolelim* was particularly acute when war disrupted the normal flow of *halukkah* funds. Such difficult periods brought out considerable hostility on the part of some elements of the Jewish community to continued immigration. In particular, the Crimean War (1853-1856) saw suffering and tragedy in *Erez Israel* at a level that even the Jewish *Yishuv*, with all its previous experience of difficulties suffered, had never seen before. Famine engulfed the land. In 1854 there was hardly a single house in *Erez Israel* which did not suffer starvation, and there were those who sold their children to Muslims for a loaf of bread - some did so in order to save the lives of children who were near to death by starvation.

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6 *Kineiti li-Yrushalayim u-le-Zion Kin'ah Gedolah* (Jerusalem 1862), pp. 7-8. This manifesto is kept in the Library of Jews College, London.

The Jerusalem Rabbis described the situation to the Jews of Germany:

"large and small are crying out for bread, and none have pity, none have mercy. . . we have seen [sights] such as . . . a father seeking to sell his children to a Gentile for a loaf of bread."

The war drastically reduced the financial assistance available to the Jews of *Erez Israel*. The Sephardim did not receive the funds which usually arrived to sustain their *kolelim*, while the Ashkenazim ceased to receive support from their brethren in Russia and Poland as a result of an edict by Tsar Nicholas the First which forbade the transfer of money to *Erez Israel*.

The desperation of the Jews can be seen in an 1854 manifesto entitled *The Voice of Lamentation from Zion*.<sup>8</sup> The rabbis of *Erez Israel* turned again to their German brethren:

"Did you know, our brothers and our nation. . . that a powerful famine such as has never been before for many a long year [rages] and secondly, the honour of our lives has been withdrawn, our source of food from the north, for our brethren in Russia and Poland have been broken. . . for they must obey the order of the tyrannical ruler [the Tsar] not to give

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7 *Shomer Ziyyon ha-Ne'eman*, Altona, Vol. 165, 9th of Nisan 1854, p. 349/2. See the article named "The Tears of the Oppressed". See also Eliav, *Erez Israel*, pp. 170 and 193.

8 Published in *Shomer Ziyyon ha-Ne'eman* (Altona 1854,) Vol. 180, p. 359/1.

sustenance to their brethren [who live in] the Land of the Lord. . ."<sup>9</sup>

Matters in the *Yishuv* were so bad that the venerable and elderly *Hakham Bashi*, Rabbi Isaac Covo,<sup>10</sup> personally went abroad as a *shadar* to raise funds that were critically needed to save the Sephardi community in Palestine. The Sephardi *kolel* in Jerusalem suffered from an accumulation of large debts and was on the brink of ruin.<sup>11</sup> Nothing could be more indicative of the dire situation than this dramatic action of the *Hakham Bashi*, an eighty-four-year-old man.<sup>12</sup>

The Ashkenazi *kolelim*, too, had never previously reached the level of need apparent during this period.

"There is no work. . . no action, no craft. There is no commerce. . . not from laziness nor because of feeble hands; they do not slacken from craft, neither do they hide their hands from

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9 Ibid.

10 Rabbi Isaac Covo, born 1770, was appointed the second *Hakham Bashi* of Jerusalem when 78 years old. The situation of the Sephardi community was extremely bad at that time, and a few years later he felt duty bound to go forth as an emissary to collect funds for the poor of Jerusalem. He was 84 when he died suddenly in Egypt during his mission. He wrote several important works: *Tiferet Bahurim*, (Jerusalem, 1898), *Assufi*, (Jerusalem, 1898), *Izhak Rasuah*, (Jerusalem, 1899), among others.

11 M. Wallenstein Gaster, MS 975: "Memorandum of the *Kolel* of the Sephardim in Jerusalem 1855", *Zion*, Year 43, 1978, pp. 65-75. See also Bartai, *Berurim be-Shulei Tazkir ha-Sephardim bi-Yrushalayim mi-Shenat 1854*, *Zion*, year 43 (1978), pp. 97-118.

12 Rabbi Covo died in Alexandria during this trip. He was buried with military honours befitting a high government official. See Eliav, *Erez Israel*, p. 169; Gat, p. 79; J. Finn, *Stirring Times* (London, 1878), II, p. 76 footnote.

labor. . . for the land is forfeit; . . . who will work, who will employ? who will sustain and who will be sustained? when the entire people suffer calamity, a city in which all are beggars, poor and impoverished. . . and cannot sustain themselves from one another. . . in spite of which I present before you today more than 100 Ashkenazi men from the inhabitants of Jerusalem amongst which even the weak would say 'I am fit to do work'. . . and who will let us labor so we should be satisfied with bread out of the sweat of our brow and the labor of our hands?"<sup>13</sup>

Such dire conditions intensified the opposition to further immigration. The anti-*aliyah* feeling was given full expression when the leaders of the *Perushi kolel* produced a manifesto, *Kol me-Heikhal*, demanding a complete halt to *aliyah* to *Erez Israel*.<sup>14</sup> The principal reason, stated the 1869 manifesto, was that the new immigrants created an intolerable burden on the available *halukkah* funding. In order to resolve the problem, the manifesto demanded that only financially independent people aged 70 and over be allowed to immigrate. For those who remembered the heady days of *Perushi aliyah* to *Erez Israel*, the tone of this manifesto provided a stark contrast to their previous enthusiasm for the renewal of *Erez Israel* and its Jewish population.<sup>15</sup>

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13 *The Voice of Lamentation from Zion, Shomer Ziyyon ha-Ne'eman*, Altona, Vol. 180, dated 27 Sivan 1854, p. 358/2 - 359/2.

14 *Kol me-Heikhal* (Jerusalem 1869), p. 2

15 See Ch. 1.

Indeed, many of those who opposed immigration out of fear for the stability of the *halukkah* system joined the ranks of those espousing the "passivist" theology,<sup>16</sup> which held that Jews were required to do little or nothing to change their economic and political situation in *Erez Israel*. Behind this argument, however, lay fears that were often practical, not theological. A manifesto called *Kineiti le-Zion u-li-Yrushalayim Kin'ah Gedolah*<sup>17</sup> was designed to deter Jewish philanthropists abroad from responding to a proposal by several hundred Jewish families who were planning to achieve economic independence through joint agricultural endeavours. This group sought assistance for their project from Diaspora Jews, and the rabbis behind the manifesto feared that this project would strain the *halukkah* system. The rabbis stated that

"we who are dwelling upon the four lands of the living,<sup>18</sup> feeding off the table of others, off the generosity of our brethren, the people who bring about our salvation [hereby do state]. . . that it is not correct to damage. . . [the existing charitable institutions] by moving the heart of the people [abroad]. . . and by making independent charitable appeals abroad."

The manifesto added that

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16 See Chs. 1 and 2.

17 *Kineiti li-Yrushalayim u-le-Zion Kin'ah Gedolah* (Jerusalem, 1862). This was signed by Rabbi Suzin, Rabbi Abraham Ashkenazi, Rabbi J. S. Elyashar, Rabbi S. M. H. Gagin and others.

18 "The Four Lands of Holiness" or "The Four Lands of the Living" were common designations for the four holy cities: Jerusalem, Hebron, Safed, and Tiberias. See J. E. vol. 8, p. 728.

". . . . the above-mentioned poor people gathered together and appointed a leader over them. . . to write on their behalf and request from. . . these generous of the people [abroad]. . . . Every person of common sense and understanding should understand. . . from their words that funds would then have to be taken out from the pocket of the *kolelim* every year and given to them [instead]. . ."19

The rabbis rejected such attempts to fulfill immediately the *mitzvah* of *yishuv ha-Arez* (settlement of the land) as quixotic, if not blasphemous. They reiterated that the *halukkah* system must be protected from the unnecessary burden of new *aliyah*.

Some authorities expressed concern about Jews who came to live in *Erez Israel* out of short-sighted idealism - and were all too frequently reduced to destitution. Many treatises warned about this problem. In 1869, the rabbis of the *Kolel Grodno* signed a manifesto warning Jews abroad

"not to attempt to scale the mountain [i.e. come to live in *Erez Israel*]."20

Dire warnings were sounded about people who died prematurely in *Erez Israel* and those yet alive were, according to the Grodno rabbis,

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19 *Kineiti li-Yrushalayim u-le-Zion Kin'ah Gedolah*. Compare *Ha-Maggid*, 6th Iyyar 1882, p. 120; also E. A. Finn, *Reminiscences* (London, 1929), p. 51.

20 *Kol Korei mi-Zion el Aheinu Dorshei Shelom Yerushalayim* (Jerusalem, 1869), [Ben Zvi Archives], p. 1.

"full of regrets for their coming, but without the possibility of return"<sup>21</sup>

They warned that

"he who heeds our words shall remain securely within his border until the arrival of the ... Messiah."<sup>22</sup>

The treatise was signed

"from us, the dwellers of the Holy Land suffering with pain."<sup>23</sup>

In 1869, another treatise - issued by the *Perushi* leaders - warned prospective Ashkenazi immigrants against attempting to immigrate. This manifesto, *Al Homotayikh Yerushalayim Hifkadeti Shomerim*,<sup>24</sup> referred to the underlying concern that "the increase of immigrants who place themselves as a burden upon charity" would

"take a slice from the thin griddlecake that the poor of the land. . . [eat]."<sup>25</sup>

The warning was clear:

"Jews abroad should not approach the Holiness from here on. . . and he who heeds our words will dwell safely within

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21 Ibid.

22 Ibid.

23 Ibid.

24 Jerusalem, 1869, p. 3.

25 Ibid.

his border until he comes to Shiloh  
[i.e. until the Messiah arrives ]."<sup>26</sup>

At about the same time (1867), Rabbi Nehemiah Kahanov  
lamented that for

"most of the dwellers in the Holy City,  
almost their entire *halukkah* will  
suffice only for the apartment, coals,  
and water."<sup>27</sup>

Some authorities maintained that the *halukkah* system was  
inherently inadequate to support the Jewry of *Erez Israel*  
and that any dependence on charity was counter-productive.  
The activist thinker Rabbi Akiva Joseph Schlesinger  
condemned the conventional concern for the *halukkah*  
structure and the desire to preserve its integrity in a book  
called *Sefer Amud ha-Yira ve-Amud ha-Torah*.<sup>28</sup> Schlesinger  
stated that

"if, for instance, someone gives 50  
*zuzim*<sup>29</sup> to charity. . . this suffices  
the poor man. . . for a month. . . .  
This is not so if he [the donor] buys a  
house, a measure of seed and field and  
gives it to him for his [the poor man's]  
living. . . and he produces. . .  
food."<sup>30</sup>

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26 Ibid. The Shiloh reference is to Genesis 49, verse 10.  
It is also meant to be understood as "until the Messiah  
arrives."

27 *Sha'alu Shelom Yerushalayim*, p. 95

28 Jerusalem, 1879.

29 *Zuz* (pl. *zuzim*): Talmudic-period silver coin worth 1/4  
of a shekel (see *Mishnah Pe'ah* 8:8, *Terumot* 10:8.)

30 Akiva Joseph Schlesinger, *Sefer Amud ha-Yira ve-Amud ha-  
Torah* (Jerusalem, 1879), p. 3.



This conception of charity - helping the recipient to achieve independence rather than dependence - was in keeping with the optimism and dynamism of the activist school (see Ch. 1).

However, the grim economic conditions in *Erez Israel* caused many renowned rabbis to join those denouncing continued *aliyah*. At the beginning of the 1880's, forceful anti-*aliyah* treatises were issued by many important leaders of the *Yishuv*. A new *Kol me-Heikhal*<sup>31</sup> manifesto, issued in 1885, related disapprovingly that

"it. . . is approximately 20 years ago that some people. . . had awoken and thought as to how to return the exiled of Israel to their land and to hasten the salvation and have found through the powers of their imaginations a variety of ideas, and have caused a commotion throughout the world . . ."32

The rabbis complained that this had increased *aliyah* to an *Erez Israel* already burdened with Russian refugees. The signatories to this manifesto, among whom were the eminent Rabbi Moses Nehemia Kahanov, Rabbi Jacob Saphir and Rabbi Joseph Hayyim Sonnenfeld,<sup>33</sup> vigorously discouraged Jews wishing to come to *Erez Israel*. Referring to the refugees of Russia and Rumania, it said

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31 Joel Moses Salomon Press, (Jerusalem, 1885).

32 *Kol me-Heikhal* (Jerusalem 1885), p. 4.

33 Rabbi Joseph Hayyim Sonnenfeld (1849-1932): head of the Hungarian *kolel* (*Kolel Ungar*) and ultra-Orthodox anti-Zionist leader. Associate of Rabbi Joshua Leib Diskin.

"what shall we do with these refugees of Syria [sic! but the intent is Russia]<sup>34</sup> and Rumania? There are those who hold to their ideology and their foolhardiness [and wish to come to Erez Israel] to fill the ruins of the Holy Land with them, and these newcomers fall. . . upon the earlier inhabitants . . . [and then]. . . they harm both themselves and the [existing] residents . . .<sup>35</sup>

The Rabbis warned that the missionaries lay in wait for immigrants:

"Many of them have been snared in the nets of the Seducers"<sup>36</sup>

and

"so hundreds of these families. . . have fallen. . . upon the kolel and are eating [from] the share of the halukkah like the veteran residents. . . and in spite of this. . . they have not ceased to come every week and every month and in every ship. . . ."<sup>37</sup>

Jewish immigration to *Erez Israel* was considered by the writers as the work of Satan:

"Satan is. . . the sound of the bell. . . [ringing] with false prophesy [calling for] 'Yishuv Erez Israel' and 'toiling

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34 This is possibly a printing error: these refugees are referred to as the refugees of Syria and Rumania - "Suria ve-Romania" - but doubtless the intention was to refer to Russia and Rumania - Rusia ve-Romania. See also S. Halevy, *Sifrei Yerushalayim ha-Rishonim* (Jerusalem, 1976), pp. 190-191.

35 *Kol me-Heikhal* p. 10.

36 "Seducers" or "enticers" was a common rabbinical term for the missionaries.

37 *Kol me-Heikhal* 1885, p. 12

the land'. . . and the fear is that the money of the *halukkah* will grow smaller year by year. . . and all the inhabitants of the Holy Land, over 40,000 souls. . . will die of hunger, Heaven forbid."<sup>38</sup>

The manifesto issued a blunt warning to the leaders of the Jewish communities abroad:

"You! . . . it is up to you. . . to gather courage to prevent [further *aliyah*]"<sup>39</sup>

The problem for the veteran Jewish community was that, according to *halakhah*, new immigrants could not be denied their share of the *halukkah*. Halakhic rulings on this point were quite clear: all Jews who lived in *Erez Israel*, without exception, had the right to share the proceeds of the *halukkah*. Rabbi Hayyim of Volozhin<sup>40</sup> ruled that the duty of Diaspora Jews to give charity to residents of *Erez Israel* was not limited, as some thought, to those engaged exclusively in Torah study. All *Erez Israel* Jews, *talmidei hakhamim* (scholars) and *amei ha-arez* (unlearned folk), were

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38 Ibid.

39 Ibid.

40 Hayyim of Volozhin, 1749-1821. The leading disciple of Rabbi Elijah ben Solomon Zalman, the Gaon of Vilna; and of Rabbi Aryeh Gunzberg, author of the *Sha'agat Aryeh*. Rabbi Hayyim was the acknowledged spiritual leader of the non-*hasidic* Ashkenazi world. He founded a *yeshivah* called *Ez Hayyim*, which became such an important inspiration for Jewish learning that it was described by the poet, Hayyim Nahman Bialik, as "the place where the soul of the nation was moulded." See also Biallblocki, *Yahudut Lita*, volume 1, (Jerusalem, 1959), pp. 190-1; K. Mirsky, *Mosadot Torah be-Europa be-Vinyanam ube-Hurbanam*, (Tel-Aviv, 1956), pp. 31-34.

to enjoy the benefits of the *halukkah*. Questions related to the distribution of *halukkah* money

"have been asked since the days of yore, since the time of the great Gaon, Rabbi of all the Diaspora. . . Hayyim of Volozhin. . . and the law. . . with regards to the Holy Land [is that] they are duty bound to [give *halukkah* to] all, and not only the *talmid hakham* alone. And the reason. . . is stated therein that the duty of charity shall apply to the precept of the maintenance of the *Yishuv* of the Holy Land, and any Jew shall be considered [as being a part of] the general *Yishuv* of the Holy Land."<sup>41</sup>

Clearly, then, the primary purpose of the *halukkah* money was to maintain a *yishuv* in *Erez Israel*. The direct support of Torah study was secondary. In the rabbinical work *Ha-Emet M me-Erez Tizmah*<sup>42</sup> Rabbi Israel of Shklov noted that:

"The fruits of the donations of *Benei Huz la-Arez* [Diaspora Jews] are based on two objectives: one, to maintain the of the *yishuv* of the Land; and two, the existence of the Torah."<sup>43</sup>

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41 *Iggrot ha-Pekidim ve-ha-Amarkalim*, MS Vol. 13, p. 278. My emphasis (C.K.). The Sephardi community did not support all Sephardim, only the scholars and the truly indigent. According to Rabbi Hayyim's interpretation of the duty of charity, any Sephardi Jew could have asked for his share of the *halukkah*, but this conclusion appears to have been drawn by Ashkenazim for Ashkenazim. I could find no record of an otherwise-ineligible Sephardi Jew demanding a share of the *halukkah* on the basis of Rabbi Hayyim's ruling.

42 Rabbi Israel of Shklov, *Ha-Emet me-Erez Tizmah, Me'assef Zion B* (Jerusalem, 1827), p. 141.

43 *Ibid.*

Rabbi Israel's treatise described the rules of the *Perushi Kolel* for distribution of *halukkah*. Surprisingly, in view of the above principle, working people received only half of the *halukkah* allocated to full-time scholars. This practice was based on simple economics: those who engaged in gainful employment were able to support themselves partially through their work.

"A man who has a craft, even if he is a *talmid hakham*. . . will be given only half a *halukkah*. . . [this is so even though] he too is maintaining the *Yishuv* of *Erez Israel*.<sup>44</sup>

The women of the *kolel* were encouraged to go out to work by giving them only half the *halukkah* allocated to men.<sup>45</sup>

Rabbi Israel of Shklov wrote<sup>46</sup> that this resulted from the need to encourage women to perform services that were essential to the *kolel*, to work, for example, as nurses and to undertake housework duties for the sick.

"This was a matter of life and death because there were some weak. . . and also ill women who required service, and they [the other women of the *kolel*] did not wish to help them. . . nor to obtain paid employment from [these sick women]. Therefore, it was decided that only one half [of the *halukkah*] shall be paid, in order that the women should earn the other half from the labour of their hands."<sup>47</sup>

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44 Ibid.

45 *Ha-Emet me-Erez Tizmah*, section 14, p. .

46 Ibid.

47 Ibid.

The *Perushi kolel* also decided that if the women of the *kolel* offered their services to families of other *kolelim*, they would receive no *halukkah* at all.<sup>48</sup> Minor children of artisans or craftsmen also received half of their share of the *halukkah*, even though such minors might be engaged exclusively in Torah study in *Talmudei Torah*.<sup>49</sup>

The first priority of every *kolel* was self-preservation. The movements of the *kolel*'s members were strictly regulated. Members of a *kolel* were required to obtain permission from the *kolel* guardians before moving from one town to another. If, therefore, a *kolel* member moved from the Safed *kolel* to Jerusalem without prior approval, he was liable to lose his share of the *halukkah*.<sup>50</sup> Other regulations descended to trivia: one ordinance provided for a monetary fine if the member spoke during prayers.<sup>51</sup>

After 1850, the *Perushi kolel* - the first Ashkenazi *kolel* established in *Erez Israel* - began to break up. Rabbi Nehemia Kahanov described how splinter group after splinter group broke away from the main *Perushi kolel*:

"in these times, the children of every country are becoming independent and call themselves a *kolel*. . . and this [results] in a situation whereby the inhabitants of Jerusalem are not equal in their income. . . but each person [is

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48 Ibid.

49 Ibid.

50 Ibid.

51 Ibid.

dependent] according to the quota of his  
*kolel*.<sup>52</sup>

By 1902, there were no less than twenty-five established  
Ashkenazi *kolelim*.<sup>53</sup>

The incomes of the different *kolelim* varied, depending upon  
the fund-raising capacity of the Jewish communities in their  
countries of origin.<sup>54</sup> The amount of each individuals share  
depended, of course, on the amount the *kolel* collected and  
the number of people in the *kolel*. Some *kolelim*, therefore,  
were wealthier *per capita* than others. *Kolel HoD* (Holland  
and Deutschland), for example, had an income of U.S. \$6,080  
in 1902, while *kolel Ungar* (Hungary) had an income of U.S.  
\$40,000. However, *kolel Hungary* had seven times as many  
mouths to feed; and a member of *kolel HoD*, therefore,

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52 *Sha'alu Shelom Yerushalayim*, p. 70.

53 See Table 1.

54 There are many references to a *halukkah* distribution  
based on country of origin. For example, Rabbi Abraham  
Hayyim Gagin refers to an accord reached by the

"three classes of Ashkenazi ... dwellers  
in the Holy City of Hebron."

(*Hukkei Hayyim* (1843), p. 19b Section 11.) These  
sections of the Ashkenazi community were

"the *Hasidim* and the holy community of  
the *Perushim* and the holy community of  
Habad who ... made between them [an  
agreement] in the month of Adar 1823 in  
which they agreed that people who come  
to the Holy Land from [various]  
countries each will [obtain *halukkah*]  
according to the value of the benefit  
that it obtains from that country."

(*Ibid.*)

Table of the Halukkah: 1902

Name of Kolel	Year Organized	Number of Individuals	Average per Individual	Total Amount
RUSSIA				
1. Wilna-Samogitia	-	2,200	\$5.45	\$12,000
2. Grodno	1856	1,650	4.55	7,500
3. Minsk	-	1,003	2.49	2,500
4. Reussen	1860	700	4.65	3,250
5. Slonim	1868	131	9.16	1,200
6. Suwalki-Lomza	1867	616	11.35	7,000
7. Pinsk	1878	700	1.07	750
8. Warsaw	1852	1,313	14.17	18,600
9. "HaBaD"	-	1,320	5.68	7,500
10. Karlin	1875	368	2.05	750
11. Jitomir	-	304	2.30	700
12. Volhynia	-	1,160	1.55	1,800
13. Bessarabia	-	56	2.23	125
14. Liboshoi	-	50	3.50	175
15. Koydenow	1890	180	13.89	2,500
RUMANIA				
16. Moldavia	-	111	6.12	680
17. Wallachia	-	600	2.00	1,200
AUSTRIA-HUNGARY				
18. Lemberg	-	777	10.30	8,000
19. Kosow	1890	150	5.60	840
20. Viznitza	-	125	9.60	1,200
21. Bukowina	-	160	8.75	1,400
22. Siebenburgen	-	60	26.67	1,600
23. Hungary	1860	1,300	30.76	40,000
24. "HoD"	1849	180	33.77	6,080
25. America	1897	292	18.50	5,400
Total		15,506	\$8.56	\$132,750

Where blank, the date of establishment is unknown. Nos. 1-7, 22, 23, and 25 are Perushim; Nos. 8-21 are Hasidim; No. 1 includes Kovno, Courland, and Finland; No. 4 includes a province in White Russia and Shklov and Moghilev; No. 9 "HaBaD", initials of Hokmah, Binah, De'ah; No. 24 "HoD", initials of Holland-Deutschland.

Jewish Encyclopedia, 1904, vol. 6, p. 185. But compare Gat, pp. 117-125, whose information and dates are slightly at variance with the above.



received about ten percent more *per annum* than did a member of *Kolel* Hungary, and about *three thousand percent more per annum* than did a member of *Kolel* Pinsk! This phenomenon led, not surprisingly, to conflict between the *kolelim*, such as the dispute between *Kolel* Austria and *Kolel* Ungar. These two *kolelim* raised funds from Jewish communities in close proximity to one another (Austria and Hungary), and each *kolel* appealed to both communities to increase its own share of the *halukkah*.

*Kolel* Ungar printed a pamphlet staking its claim to a higher allocation of funds from the *halukkah*.<sup>55</sup> It was signed, as was customary, by a group of distinguished rabbis.<sup>56</sup> This manifesto, entitled *Kunteres Divrei Zedek*, accused *Kolel* Austria of

"dissemination of lies and libelous matter regarding the members of our *kolel*, and this after all the compromises that had been reached between us. . . they will not rest. . . and they will attribute to us matters. . . [in order] to deceive our brethren

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55 *Kunteres Divrei Zedek* (Jerusalem, 1873), 23 pages.

56 It is interesting to note that many of the rabbinical signatures are repeated twice and even three times, and it should also be noted that Rabbi Meir Auerbach, Rabbi Abraham Eisenstein, and Rabbi Jacob Yehudah Levy signed both the treatise put forth by the *Kolel* Ungar and the previous treatise, *Sefer Divrei Mishpat*, put out by *Kolel* Austria! Research has yet to take place to ascertain whether the practice of these eminent personages in the Jewish community of *Erez Israel* was to sign as a demonstration of their agreement and their stand on a particular issue, or whether a signature on these treatises was an almost ritual and even meaningless practice.

abroad [and lead them off] the straight path."

The document was signed by Rabbi Hayyim David Hazzan (the *Rishon le-Zion*), Rabbi Isaac Prague Oplatka, and others.

In response to the above manifesto, *Kolel* Austria invited the administrators of *Kolel* Ungar to attend a hearing on this matter in the Ashkenazi *Bet Din*. This invitation - which was nothing less than a writ - was signed by various rabbis from Safed. *Kolel* Ungar refused to accept it.<sup>57</sup>

Six years earlier, *Kolel* Ungar had been involved in another dispute, this one with the *Perushi kolelim*. In a manifesto, published in 1864, the *Perushim* compared the number of their members with the number in the Hungarian *kolel* as part of their ongoing effort to obtain a larger share of the *halukkah*.

"We are impoverished. . . the *Perushim*  
. . . have ten times as many [people]  
as. . . the community of Hungarians  
which is here. . . ."58

The Sephardi community was far more cohesive, but a few groups, such as the Yemenites and the Georgians, did try to

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57 *Sefer Divrei Mishpat* (Jerusalem, 1870), p. 2b.

58 Yehiel Brill and Joel Moses Salomon Press, (Jerusalem, 1864), 1 page.

break away. The most significant of these was the *Moghrabi* community.<sup>59</sup>

During the course of the *Moghrabi* attempt to secede from the larger Sephardi community, all of the parties involved tried to appeal to world Jewish opinion. As shown elsewhere in this thesis, the Sephardim accused the *Moghrabi* leaders - Rabbi Moshe Turgeman and his son Rabbi Yaakov Turgeman, together with Mimun Peziza - of collaborating with the missionary groups active in Jerusalem.<sup>60</sup>

The *Moghrabis*, for their part, described themselves as downtrodden underdogs whose compatriots' contributions from North Africa went to line Sephardi pockets while they, the *Moghrabis*, were left destitute. Rabbi Issakhar Assraf, the rabbi of the *Moghrabi* community in Jerusalem,<sup>61</sup> spoke of the *Moghrabi* community as being "a thousand [destitute] souls."<sup>62</sup>

The *Moghrabi* attempt to secede was supported by an important member of *kolel* Hod and a highly respected member of the Ashkenazi community - Rabbi Eliezer Bergman. Rabbi Bergman wrote to the merchant Abraham Laredo of Gibraltar and said,

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59 See also Gat pp. 24-25; T.V. Parfitt, *Jews in Palestine*, pp. 148-150.

60 See above Chapter 2; also *Edut le-Israel* (1847).

61 Born in Morocco 1817, died in Jerusalem 1892.

62 *Teudot Hadashot le-Toldot Kehillat ha-Ma'aravim bi-Yrushalayim*, Shaul Ziv, *Perakim be-Toldot ha-Yishuv ha-Yehudi bi-Yrushalayim*, Yad Ben Zvi, 1976.

"for five years or more they [the Moghrabis] have been much persecuted."<sup>63</sup>

Laredo sympathized with the *Moghrabis* and became instrumental in the transfer of contributions from North Africa to the *Moghrabis* in Jerusalem.<sup>64</sup> These funds were sent through Gibraltar and Beirut rather than directly to Jerusalem; this was apparently necessary to prevent their impoundment by the Sephardim.<sup>65</sup>

The *Moghrabis*, along with other *kolelim* which successfully broke away, were to discover that independence did not cure all their financial ailments. Indeed, independence brought its own troubles. As an independent community, the *Moghrabis* were required to pay the *cizye* (poll tax) directly to the government:

"we have been pressed to pay the huge sum to the government. . . the poll tax for our community, and for two years now, we have been unable to pay this huge sum, and therefore some of the important people of our community have been arrested. . . until we have been pressed to borrow with interest to get them out of trouble, and this on top of the yoke of the debts which are already placed about our necks."<sup>66</sup>

63 See Jacob Barnai, *Ezrato shel Rabbi Eliezer Bergman le-Ma'aravim bi-Yrushalayim, Mehkarim be-Toldot ha-Yishuv*, C. Z. Hirshberg, Joshua Kaniel eds., The Rivlin Institute for the Research of the History of the Yishuv, (Bar Ilan University, 1974), p. 122.

64 Ibid. pp. 120-5.

65 Ibid.

66 Shaul Ziv, *Teudot Hadashot le-Toldot Kehillat ha-Ma'aravim bi-Yrushalayim*, p. 135.

Rabbi Assraf wrote that the financial pressure was most severe at the time when rents had to be renewed.

"At the time of the rental of houses,  
the cry of our poor rose."<sup>67</sup>

In 1890, Rabbis Samuel Bahbut<sup>68</sup> and Samuel Alaluf,<sup>69</sup> both of the *Moghrabi* community, wrote a letter to Morocco describing the suffering of their poor:

"particularly during the winter, when  
the cold and the great ice rule our  
country. . . the snow eats their flesh.  
. . ."<sup>70</sup>

It is not surprising that Jews who settled in *Erez Israel* often went to great lengths to be accepted by those *kolelim* that paid the highest stipends. From time to time, this gave rise to court disputes, which were adjudicated by the halakhic authorities. In particular, questions arose over immigrants' claims to the privilege of belonging to the *kolel* they desired.

This type of dispute is illustrated by an 1861 judgement delivered by the Ashkenazi *Bet Din*, presided over by Rabbi

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67 Ibid.

68 *Moghrabi* scholar, died 1918. See also M. D. Gaon, *Yehudei ha-Mizrah be-Erez Israel* (Jerusalem 1938), Vol. II p. 141.

69 Born in Fez, 1868, died in Jerusalem, 1933. An important *Moghrabi* community leader and rabbi. See M. D. Gaon, *Yehudei ha-Mizrah be-Erez Israel* (Jerusalem, 1938), p. 82.

70 Shaul Ziy, *Teudot Hadashot le-Toldot Kehillat ha-Ma'aravim bi-Yrushalayim*, p. 140.

Meir Auerbach.<sup>71</sup> The dispute involved a Russian Jew named Aron Zalman who had emigrated to Amsterdam, where he lived for a few years before leaving to settle in *Erez Israel*.

On arrival in Jerusalem, Rabbi Aron Zalman insisted he had the right to join *Kolel HoD*, which had the highest *per capita* income of any Ashkenazi *kolel*. However, some members of *Kolel HoD* objected to Aron Zalman's claim to membership in their *kolel*, insisting that he was of Russian origin, and that his stay in Amsterdam did not entitle him to join *Kolel HoD*. Rather, they suggested, he should join one of the Russian *kolelim*.<sup>72</sup>

Rabbi Aron Zalman, however, based his claim on the fact that he had left Russia to settle in Amsterdam, where he had become part of the community. His last city of residence, he claimed, gave him the right to become a member of *Kolel HoD*.<sup>73</sup>

Most of the members of *Kolel HoD* supported Rabbi Aron Zalman's request to join their community and to share in the *kolel's halukkah*. However, there were some who disagreed

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71 This case is discussed in a previously unpublished manuscript that I discovered in the private library of Rabbi B. Horowitz of Jerusalem. This manuscript was written in 1864 by Rabbi Horowitz's grandfather - Rabbi Ettlinger of Altona. Rabbi Ettlinger became involved at the end of the proceedings. This document will hereafter be referred to as the Ettlinger Ms.

72 Ettlinger Ms. (Altona 1869) p. 1

73 Ibid.

and insisted that his application be rejected. Such disputes within the *kolel* were usually resolved in a democratic fashion - by majority vote - but in this case the dissenting group refused to accept such a vote to admit Aron Zalman and instead took the matter to the rabbinical court. When it came to financial matters (*dinei mamonot*), they asserted, a majority decision is not enough in *halakhah*. The dissenters insisted that, as the financial burden of supporting Rabbi Zalman would fall on every individual in the *kolel*, each individual should have the right to veto his membership. The dissenters demanded that the *Bet Din* hear the case.

The *Bet Din* accepted the *locus standi* of the minority group and decided that they were entitled to a hearing despite the majority vote against their position. After a lengthy hearing, the court first noted that Zalman had not remained constantly in Amsterdam, but had often travelled out of the country for business reasons. The *Bet Din* then consulted international law and Russian civil law to establish Rabbi Zalman's legal nationality.<sup>74</sup> According to these laws, he was no longer eligible for Russian citizenship, but at the same time he was not a Dutch citizen. He was thus considered stateless. The Court concluded, however, that legal nationality was not the deciding factor. The rabbis reasoned that if Rabbi Zalman had remained in Amsterdam and

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74 Ibid.

had become impoverished there, the duty to feed him would have fallen on the Amsterdam Jewish community. Bound by the duty of charity, the Amsterdam community would have had to meet his financial needs from communal funds. In such a case

"he [would have been] considered as [any other] of the paupers of Amsterdam."<sup>75</sup>

In *Erez Israel*, *Kolel* HoD stood in the stead of the Amsterdam Jewish community. Therefore, *kolel* HoD was responsible for Aron Zalman in *Erez Israel* as the Amsterdam community would have been in the Diaspora.

The minority group in *kolel* HoD was apparently dissatisfied with this ruling and sought a ruling in their favor from rabbis abroad.

Rabbi Jacob Ettlinger, Rabbi of Altona and an eminent European halakhic authority, was approached by the dissenters and was asked to adjudicate once again on the matter. Rabbi Ettlinger refused to accept jurisdiction, and stated that the group

"may not deny the [Jerusalem] judgement unless they see that the reasons given by the *Bet Din Zedek* . . . do not match with the truth. . . [Then they are] invited to return to the *Bet Din Zedek* [in Jerusalem] and make their complaint . . . "<sup>76</sup>

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75 Ibid.

76 Ibid.



As funds were so limited, the Jewish community in *Erez Israel* did not hesitate to seek funds for its *kolelim* whenever and wherever it could. In the view of the *Yishuv*, this was its undisputed right, and its leadership exhibited no qualms about demanding contributions. An interesting example of this philosophy is to be found in the epistle by the *Perushim* in *Erez Israel* to the Ten Tribes in 1830. The letter, written by Rabbi Israel of Shklov, opened by recapitulating the history of the arrival of Ashkenazi Jewry in *Erez Israel* and went on to describe the rumours and news about the Ten Tribes that had reached *Erez Israel*.

In the second part of the letter, Rabbi Israel outlined the development of *halakhah* from the time of the *Mishnah* until the time of Rabbi Elijah, the *Gaon* of Vilna. Rabbi Israel recounted the persecution and suffering experienced by the Jewish nation throughout the generations, and the suffering of the present generation. The emotion-laden tone of this letter indicates its importance to Rabbi Israel, who obviously felt that the mere writing of such a letter was a momentous occasion. At the end of the poetic and emotional letter, Rabbi Israel calmly suggested that the Ten Tribes send financial assistance to their brethren in *Erez Israel* in order to reduce their heavy burden of debt!<sup>77</sup>

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77 A. Ya'ari, *Iggrot Erez Israel*, pp. 354-356.

To an outsider, this was an improper note in a letter replete with spiritual yearning. The Jews of *Erez Israel*, however, believed that they were fulfilling an integral part of Jewish destiny - the maintenance of a Jewish presence in *Erez Israel*. The goal of the Jew in *Erez Israel* was to perpetuate the *Yishuv* and continue the study of the Torah. This required financial assistance from their fellow Jews living abroad who, in turn, were fulfilling their part of the Jewish destiny by giving such support. This two-way relationship had deep roots in Jewish thinking, and could perhaps be traced back to the relationship between the biblical tribes of Issakhar and Zebulun. It was obvious, therefore, that the Ten Tribes, if located, were expected to rejoin the mainstream of Jewish life on the basis of this ancient compact.

Diaspora Jewry, however, did not always universally support the *halukkah* system. Rabbi Isaac Farhi went out as a *Shadar* on behalf of the Jews of Jerusalem in the second quarter of the 19th century. In his 1843 rabbinic treatise, *Tuv Yerushalayim*<sup>78</sup>, he described, among other things, details of the income and outgoings of the community in Jerusalem. From this book, it appears that the Jewish *Yishuv* in *Erez Israel* faced criticism from some Jews abroad who

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78 Printed in Jerusalem, 1843.

"have no fear of God in their hearts,  
and whose eye is jealous of the dwellers  
of the Holy City,"<sup>79</sup>

It also appears that some Diaspora Jews cynically reckoned that, according to their estimation of the emissaries' income,

"it would only be right that palaces of gold and silver should be built [in Erez Israel]."<sup>80</sup>

Rabbi Farhi disputed these conclusions and explained that the income was not as large as it appeared: the *Shadar* went on missions only once every three or four years, and to Europe only once every ten years. Even in the most remunerative area - Turkey - the Sephardi community did not collect more than 50,000 *grush*. Half of this went towards the travel expenses and payment to the *Shadar*.

In contrast, noted Rabbi Farhi, the demands on the resources of the community of Jerusalem were many, including the payment of interest on debts, support of the poor and those studying the Torah, as well as matters relating to the everyday survival of the community, such as the bribery of officials and local magnates.<sup>81</sup>

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79 Ibid. p. 23.

80 Ibid. The reality, as shown by table 1, was very different.

81 Ibid.

"Who could relate how [great the burden] and how many tears were spilt for the dwellers of the Holy City."<sup>82</sup>

The Jerusalem community had to support the Jewish communities of other cities, such as Tiberias and Safed, as these communities did not receive *halukkah* funds directly. The provincial centres were not always satisfied with this arrangement. Hayyim Nahum Mizrahi, the Sephardi Chief Rabbi of Safed, complained in 1853 that, because the *halukkah* money was distributed via Jerusalem and as a result of the bad roads

"we undergo much distress until our share [of the *halukkah*] reaches our hands after several months because of the bad repair of the roads. And if the letters are sent from there to here by post, [often] brigands damage them and tear them."<sup>83</sup>

Another complaint by Mizrahi reflects upon the differences in the rate for currency exchange that ruled between Jerusalem and Beirut. The Safed community, which was closer to Beirut, would have preferred to change the currency of its part of the *halukkah* in Beirut, and this because

"we incur great losses in the exchange of the currencies between the Holy City of Jerusalem and our Holy City: this is not so in Beirut."<sup>84</sup>

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82 Ibid. p. 16.

83 Izhak Ben Zvi, *Me'oraot Zefat Mibizat, taf kuf zadi daled, ve'ad Meridat ha-Druzim be-Shenat taf kuf zadi het*, *Sefunot* (Jerusalem, 1963), vol. 7, p. 312.

84 Ibid. p. 312.

Nonetheless, Jerusalem remained the centre for *halukkah* distribution as long as the system survived, into the twentieth century.

**CHAPTER V**  
**DEMOGRAPHY AND LAND ACQUISITION**

The period of Egyptian rule in *Erez Israel* witnessed an upsurge in land and property purchases by Jews. In 1835, Rabbi Hillel of Shklov described Jews acquiring *hazerot* and houses in the outlying Jerusalem suburb of Bab Al Huta. He also explained the main obstacle to such purchases: the need ensure that there would be a *minyan* available in the area:

"Each one was waiting for the other because as long as there would not live there at least ten households, thus enabling a *minyan* to be formed regularly, it is. . . difficult to live there."<sup>1</sup>

Bab Al-Huta was far from the Jewish Quarter within the walls of Jerusalem's Old City, and therefore a poor area for Jewish expansion. Financially, however, it seemed a sound investment: during the 1830's, property was being offered cheaply by Arab landowners, who needed money quickly in order to buy their release from the army following the institution of conscription by Muhammad Ali.

"And now because the Gentiles very much require funds to buy themselves out of conscription, they are selling inexpensively."<sup>2</sup>

Rabbi Eliezer Bergman wrote in 1835 that, unlike the situation that prevailed in the past, it was possible for

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1 *Me'assef Zion*, (Jerusalem, 1833), V, p. 146. See I. Shirion, *Zikhronot* (Jerusalem, 1943), pp. 50-54; Eliav, *Erez Israel*, p. 325.

2 *Me'assef Zion*, (Jerusalem, 1833), V, p. 147.

Jews to acquire "houses with absolute title."<sup>3</sup> He also reported that a few Polish Ashkenazim had already bought houses in Bab Al Huta, an area of Jerusalem uninhabited by Jews at that time:

"A few Ashkenazim. . . have bought themselves houses thus with absolute title and at one of the ends of the city, not far from one of the gates of the city."<sup>4</sup>

In a description which emerges from a halakhic discussion in a *responsum* called *Shem Hadash*, written in 1843 by one of the *dayyanim*<sup>5</sup> of the rabbinic court of the city, Rabbi Hayyim Daniel Shlomo Penso, it is clear that Ashkenazi Jews had been living in Bab Al Huta since the year 1837.<sup>6</sup>

A *responsum* described an engagement party held by an Ashkenazi couple in Bab Al Huta, showing that Jews were resident in this neighbourhood at that time. Immediately after the ceremony, the intended bridegroom expressed a wish to withdraw from the marital contract. This event took place amidst a group of newly-arrived Ashkenazim who did not realize that there was a Jerusalem *takkanah* that, within the precincts of the city, the marriage ceremony must immediately follow the engagement ceremony in order to

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3 *Yiseu Harim Shalom*, p. 93.

4 *Yiseu Harim Shalom*, p. 93.

5 *Dayyan*, pl. *dayyanim*: member of rabbinic court.

6 Hayyim Shlomo Daniel Penso, *Shem Hadash*, (Jerusalem, 1843), Preface.



prevent *aganut*.<sup>7</sup> The argument used by one of the disputants before Rabbi Penso was that the ceremony was held outside the precincts of the Jewish quarter (i.e., it was held in the neighbourhood of Bab Al Huta) and was therefore not subject to the injunction.

It was not only private individuals who sought to buy houses in the area of Bab Al Huta. The *Perushi kolel* also purchased houses and courtyards in this area. The *Perushi* leader, Rabbi Israel of Shklov apparently objected to the purchase of courtyards so far from the Jewish centre of Jerusalem and he described the purchases as risky speculation. He wrote to Zevi Hirsch Lehren in 1836

"and regarding the matter that they have written to you from Jerusalem that people are buying cheap houses from the Gentiles. . . you should know that if one buys in a distant place, among the Gentiles and as far from the Jewish centre as much as three quarters of an hour, there is a risk from murderers and thieves."<sup>8</sup>

In Shevat 1837, Rabbi Israel of Shklov described the acquisition of courtyards in that area and said he believed that a few purchasers had already lost the money that they had invested.

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7 *Aganut*: An *agunah* (a woman in the state of *aganut*) is unable to remarry because her husband deserted her without divorcing her or because her husband's death cannot be proven to the satisfaction of a *Bet Din*.

8 *Iggrot ha-Pekidim ve-ha-Amarkalim me-Amsterdam*, manuscript, Vol. 6, p. 233b, Yad Ben Zvi Archives, Jerusalem.

"You should know that to purchase in a distant place from the city is dangerous. . . we have warned newcomers that they should not invest their monies there. . . and they refused to listen and thus, due to our many sins, several individuals have already lost."<sup>9</sup>

It would seem that the Jewish *kehillah* in Bab Al Huta did not last for very long. The Jews who lived there experienced a growing sense of insecurity. In 1838, a Muslim thief was surprised by a Jewish householder in Bab Al Huta. Upon being confronted, he attacked the Jew - a Rabbi Josef Slutsk. He was restrained, arrested and brought before the Qadi<sup>10</sup> and claimed that the

"Jew wished to slaughter him and use his blood for the Passover".<sup>11</sup>

This claim was rejected by the Muslim judge who said that

"he did not believe that such a thin Jew wished to slaughter such a large and fat Ishmaelite who was ten times stronger than him."<sup>12</sup>

However, as a result of this and other security-related incidents, the neighbourhood was totally abandoned.<sup>13</sup>

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9 Ibid.

10 Qadi (Ar.): Muslim judge.

11 *Iggrot ha-Pekidim ve-ha-Amarkalim*, Manuscript, Vol. 8. p. 127a.

12 Ibid.

13 In a letter of the 5th of Tammuz 1840 to Moses Montefiore, it says: "and behold, near to the gate of Bab Al Huta there are five good courtyards with gardens and trees belonging to Jews and behold, as a result of our sins, all of the above-mentioned courtyards are deserted and none dwell in them." See Israel Bartal,

During the nineteenth century, the population of the Old City of Jerusalem grew steadily. This led to great pressure on the available housing supply, particularly in the second half of the nineteenth century. In 1857, the leading Sephardi and Ashkenazi rabbis renewed the *takkanat hazakot* (see Chapter 6) in an attempt to control a serious problem:

"for a long time our brethren of the Children of Israel are crying out. . . and complaining about the owners of possessions who rent from the Gentiles and let and sublet according to their will and who make substantial profits and for this reason, [and then] the tenants have gone [directly] to the Gentiles, the owners of the courtyards, and add to the rental. . . and this until the rentals of houses have become unbearable".<sup>14</sup>

Housing projects were established outside the city walls to relieve the housing difficulties in the Jewish quarter. Evidently it was some time before these projects alleviated the problem. Few people were prepared to risk living outside the protective walls.<sup>15</sup> The *Mishkenot Sha'ananim* neighborhood was established in 1858, close to the time of

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*Tokhnit ha-Hityashvut mi-Yemei Masa'o ha-Sheni shel Montefiore, Shalem, Vol. 2, 5736, p. 287.*

- 14 *Takkanat ha-Hazakot* signed by Rabbi Samuel Salant, among others, for the Ashkenazim, and Rabbi Abraham Ashkenazi (the *Rishon le-Zion*) and others for the Sephardim. (Jerusalem, 1859).
- 15 See Yaakov Moshe Rivlin, *Reshit ha-Yishuv ha-Yehudi mi-Huz la-Homot* (Jerusalem, 1978), pp. 65-71; also B. Kluger, *Yerushalayim Shekhunot Saviv Lah* (Jerusalem, 1979) pp. 13-20.

the renewed *takkanat hazakot*. We also know that by 1859, the project was populated by Jews from the Jewish quarter.

In 1842, Hayyim Daniel Shlomo Penso<sup>16</sup> published a book, *Sefer Shem Hadash*, a copy of which is now at Jew's College, London. Interestingly, there is an additional page in this edition which is not contained in copies available in Israel. This additional page carries a dedication to Sir Moses Montefiore, to whom the author expresses his appreciation for the fact that he

"is dwelling today in the neighbourhood of *Mishkenot Sha'ananim* in Room 21, and thereby I give thanks for the past and for the future, all the good he has done for us, may God repay him. And here I come to honour him with this holy book . . ." <sup>17</sup>

Obviously, the newly built dwellings in *Mishkenot Sha'ananim* - the first serious attempt to persuade Jews to live outside the Old City Walls - were already occupied by the time this additional page was inserted - circa 1859.<sup>18</sup>

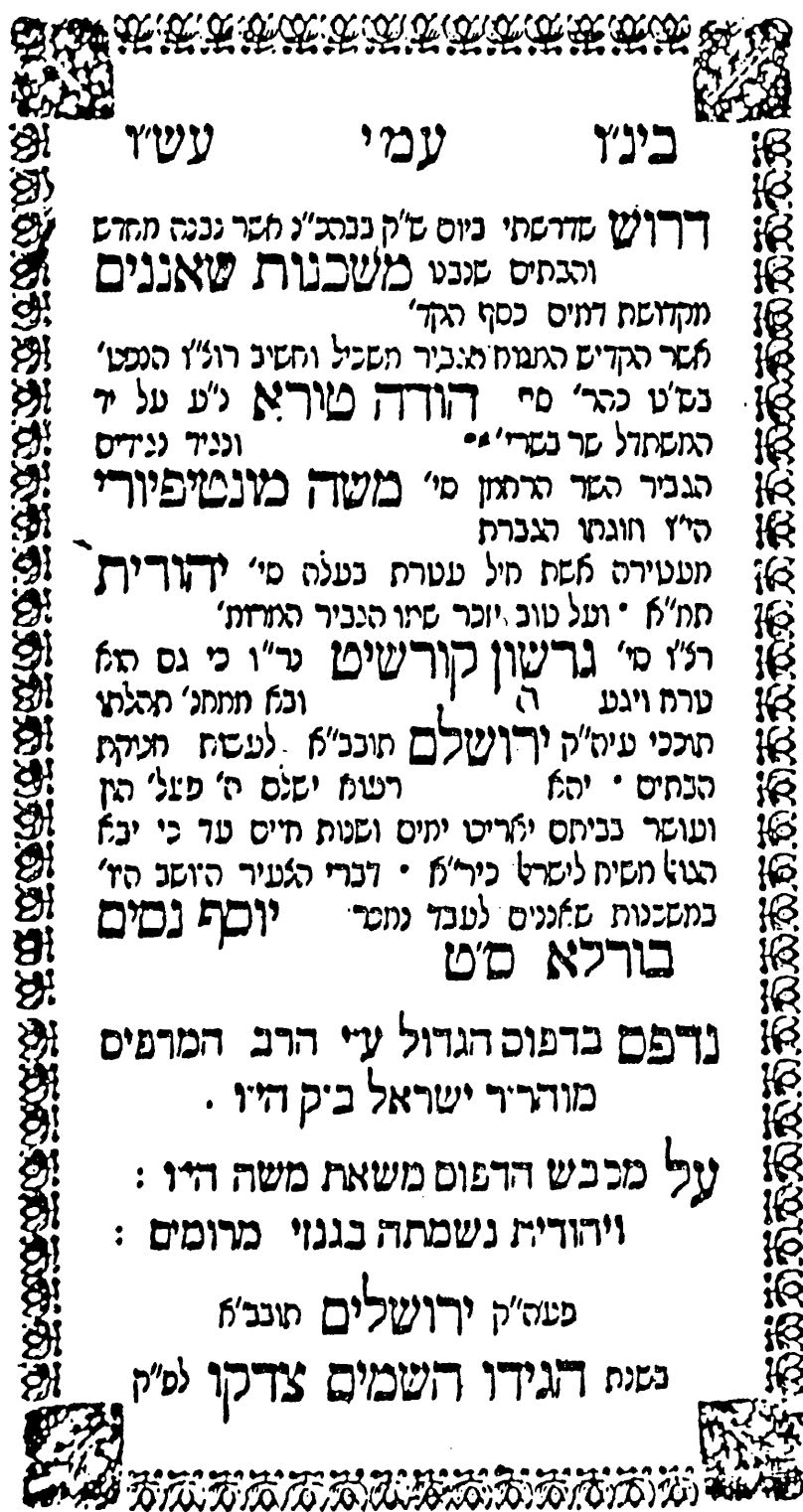
The growth of the Jewish population had started in the early years of the century. A contributory factor to the increase

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16 Published by his son, Rahamim Israel Penso, (Jerusalem, 1843).

17 Ibid. Preface.

18 *Mishkenot Sha'ananim* was built with funds from the estate of Judah Touro (1776-1854), an American philanthropist. Moses Montefiore was one of the executors of Touro's estate, and was much involved in the building project. See Plate XIII of the title page of the sermon given to mark the occasion of the official opening of *Mishkenot Sha'ananim*.



בינן עמי עשן

דרוש שדרשתי ביום ש"ק בנבא"נ אשר נבנה מחדש  
 והבתיס שנבט משכנת שאננים  
 מקדושת דמים כסף האד'  
 אשר הקדיש המצח אביר השכל וחשיב רוג'ז הנבט'  
 נס'ט כהר' סי הודה טורא נ'ע על יד  
 המשחול שר נשרי' • ונגיד נגידים  
 הגביר השר הרחוק סי' משה מונטיפיורי  
 הי'ז חוגמו הגברת  
 מעטירה אשת חיל עטרת בעלה סי' יהודית  
 חמ"א • ועל טוב יזכר שמו הגביר המחזת'  
 ר"ז סי' גרשון קורשיט ער"ו כי גם הא  
 ערת ויגע ה' ובא מחמת' תהלתו  
 תזכי עיה"ק ירושלם חובב"א לעשת חקיקת  
 הנתיס • יהא רעח ישלם ה' פעל' הן  
 ועושר בביתם יאריט ימים ושנות חיים עד כי יבא  
 הגא' משיח לישראל כיר"א • דברי הגעיר היושנ היז'  
 במשכנות שאננים לעבד נחמ' יוסף נסים  
 בורלא ס'ט

נדפס בדפוס הגדול ע"י הרב המרפס  
 מוהרר ישראל ביק היז' .  
 על מכבש הדפוס משאת משה היז' :  
 ויהודית נשמתה בגנוי מרומים :  
 פעה"ק ירושלים חובב"א  
 בשנת הגידו השמים צדקו לפ"ק

Plate XII: Title Page of Sermon by Rabbi Joseph Nissim Burla in Honour of Montefiore at the Ceremony Officially Opening Mishkenot Shananim

in the Jewish population was the *aliyah* of the disciples of the Vilna Gaon. After that time, the Jewish population generally continued to increase. In 1810, Rabbi Hayyim Katz<sup>19</sup> testified that

"in this year there have been many who have come to the Holy Land from the Sephardim and from all the countries; many have come and settled here [in Safed]." <sup>20</sup>

Rabbi Katz described the rising costs of rents, the main reason for which was the fact that many Sephardim had arrived to settle in *Erez Israel*, thus causing supply to exceed demand.<sup>21</sup>

Among other motives, this flow of immigration was also prompted by the belief that the messianic era was imminent, as is described elsewhere in this thesis.

There were *aliyot* from all parts of Europe. Those arriving did not consist exclusively of elderly Jews coming to live out their last days and to be buried in *Erez Israel*.<sup>22</sup> For example, Rabbi Benjamin Mordehai Navon indicates in 1838

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19 Hayyim ben Tuvia Katz: an important disciple of the Vilna Gaon and leader of the *Perushim* in *Erez Israel*.

20 *Iggrot*, p.

21 *Ibid*.

22 One religious motive behind the wish to be buried in *Erez Israel* was to avoid the body suffering *hibbut ha-kever*. See T.V. Parfitt, *Jews in Palestine*, p. 120, which tells that the Ottoman authorities wrote the reason for the journeys of these Jews - to die in *Erez Israel* - into their passports.

that fifteen years previously (i.e. 1823), Ashkenazim had settled in Jerusalem and

"They, their sons and their wives and their infants. . . came here to the Holy City to settle, and not only that but to buy houses and land."<sup>23</sup>

Obviously, the arrival of families with young children indicated a long term commitment to living (rather than dying) in *Erez Israel*.

Rabbi Eliezer Bergman described the great variety of Jewish immigrants to *Erez Israel*. In the same ship which carried him and his family towards *Erez Israel* in 1830, there were 22 *olim* (immigrants) from North Africa - men, women, old and young (even four pregnant women) - and with them were 48 men from Moldavia and Walachia.<sup>24</sup> According to Bergman, in another ship which arrived in Beirut from Constantinople a few days earlier carried 80 Jewish immigrant.<sup>25</sup> He adds:

"and one should know that from all the other countries, there is a veritable flow of people [to]. . . the four Holy Communities [i.e. Jerusalem, Tiberias, Safed and Hebron]. . . [people] of all standings and of all ages - babies and old people. . . ." <sup>26</sup>

and

23 M. Benayahu, *Teshuva le-Rabbi Binyamin Mordehai Navon*, Sinai, Vol. 24, 1949, p. 206.

24 *Yiseu Harim Shalom*, p. 60.

25 Ibid. p. 62.

26 Ibid. p. 70.

"the flow of Sephardim to the four Holy Communities is much greater. . . ."27

A letter written by the rabbis of Tiberias in 1855, described the arrival in *Erez Israel* of more than 200 Jewish families from North Africa in the year 1832.

"In the Holy City of Safed and Tiberias, there are over 200 families that are from the city of Arjil and they have the protection of the powerful and righteous kingdom of France. . . for over 22 years."28

Some of these Jews, particularly in the second half of the nineteenth century, took up agriculture as a livelihood. An indication of the growth of Jewish agriculture in *Erez Israel* is contained in a halakhic work published for Jewish farmers in Palestine in 1864. The book, called *Sefer Sha'arei Zedek*,<sup>29</sup> explained the difficult and detailed religious precepts relating to working the land in *Erez Israel*.<sup>30</sup>

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27 Ibid. p. 72.

28 See Shimon Schwartz-Fox, *The Jews of Algeria in Northern Palestine and the French Patronage*, Shalem, Vol. 3, 5741, p. 337.

29 Y. Yellin, printed in Jerusalem by Brill Salomon Press, 1864. This book was initially printed by the author in Vilna in 1819 and in the words of the author

"I have now brought it to the printing press to print it a second time. . . for the benefit . . . of our brethren dwelling in the Holy Mountain [this refers to *Erez Israel*]."

30 See Gat pp. 303-345; also Eliav, *Erez Israel*, pp. 180-192.



Two years earlier, in 1862, a manifesto called *Shav'at Atta Tishma*<sup>31</sup> been published in the Israel Bak Press referring to 200 indigent families who banded together and

"who would fulfill their wish. . . to work the land and to sustain ourselves through the sweat of our brow in order to fulfill that which is said 'by the sweat of your brow thou shalt eat bread.'"<sup>32</sup>

In this manifesto, a Rabbi Raphael Abraham Meyuhas is asked to use his influence to assist the endeavour by obtaining finance for ploughing machinery.

In 1868, a total of 34 Sephardi and Ashkenazi Jews organized themselves in order

"to labor and to do all that is required, ploughing and. . . the planting of vineyards and any fruits of the tree. . . in gardens and in orchards."<sup>33</sup>

Another indication of the growth of agriculture can be obtained from the fact that Rabbi Yehoseph Schwarz ruled in response to a question by Rabbi Eliezer Bergman that people who acquire land in *Erez Israel* do not have to pay *terumot* or *ma'aserot* (tithes).<sup>34</sup>

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31 *Shav'at Ani'im Atta Tishma* (Jerusalem 1862).

32 Ibid. p. 1. Compare Elizabeth Finn, *Reminiscences*, (London, 1929) p. 51.

33 See Israel Klausner, *Minhah le-Avraham*, (Jerusalem, 1959).

34 *Responsa Sefer Divrei Yosef* (Jerusalem, 1861), p. 140b.

Rabbi Eliezer Bergman was a source of much encouragement to potential immigrants. He tended to gloss over the harsh realities of living in *Erez Israel*, and in his opinion

"there is place in *Erez Israel* in spite of all the difficulties."<sup>35</sup>

He called on Jews to live in *Erez Israel*, and encouraged them to do so on the basis of his own personal experience.<sup>36</sup> Rabbi Bergman also described the welcome which new arrivals in Jerusalem received.

"They [the Ashkenazim] do not have lack of generosity regarding the newcomers, for they say. . . the more that the dwellers of the Holy Land increase. . . the more the wealth increases."<sup>37</sup>

Bergman's encouragement of *aliyah* infuriated Lehren of the *Pekidim* and *Amarkalim* Society and, when they met in Amsterdam after Bergman had already settled in *Erez Israel*, the two men exchanged harsh words.

Lehren's position was that *Erez Israel* was a preserve of the select few who wished to live and study and devote themselves to exclusively religious pursuits. Bergman, representing the activist philosophy<sup>38</sup> which encouraged immigration, believed that settlement of *Erez Israel* and

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35 *Yiseu Harim Shalom*, p. 99.

36 *Ibid.*

37 *Ibid.*

38 See Chapter 1.

increasing its population would in itself contribute to the bringing about of the *ge'ullah*.

Indeed, the power and the magnetic appeal of *Erez Israel* for the Diaspora Jews was not weakened by the disasters and daily hardships which beset the Jewish settlers. Throughout this period, there was no decline in immigration. In fact, as political conditions eased under Egyptian rule and also as a result of the growth of consular protection, the constant trickle of newcomers was transformed into a modest flood.<sup>39</sup>

Quite apart from growth in absolute numbers, the Jewish population of *Erez Israel* shifted within the country itself. This was promoted by various activist thinkers. For example, Rabbi Bergman's approach did not focus solely on the desire to promote Jewish immigration and productivity; he also sought to promote a population movement of Jews within *Erez Israel* away from the four Holy Cities in order to fill out the map and populate other areas of the country.

Interestingly, he viewed Tyre, Sidon and Beirut as part of *Erez Israel*

"and one can live. . . in all these other holy townships [i.e. Beirut, Sidon and Tyre] and also in Acre, Haifa and

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39 See T.V. Parfitt, *Jews in Palestine*, population tables pp. 33, 49, 75, 87, 95, 103, 109, 115, 118; also Gat, p. 19.

Jaffa. All these six are port cities, in which there dwell the Sephardim, and there are many other places wherein one could settle."<sup>40</sup>

Again he says

"I propose to you and promise that it is good to come and settle, not only in Beirut, Sidon, Tyre or Jaffa."<sup>41</sup>

There were others who considered the territory of ancient *Erez Israel* to reach as far as Sidon. Rabbi Yehoseph Schwarz dealt with this question in his *Responsa Divrei Yosef*, wherein he ruled that the Jews living in Sidon had to maintain two days festivals as if they were living abroad.<sup>42</sup>

There was a small Jewish community in Gaza, too. Jacob Saul Elyashar described the situation of the community in Gaza.

"The city of Gaza has been known to us ... for many years, in previous years, [it] was occupied by our brethren. Since about sixty years, as a result of threats, persecution . . . they were forced to wander on and leave their houses and their estate was left in the hands of ... heathen .... And now ... as the wind of freedom is blowing ... from the government and there is equality of rights, the city became inhabited by our brethren, both the Sephardim and the Ashkenazim ... and they have allocated a house of prayer therein, and have brought a *Sefer Torah*, and they have a *minyan*; now that the Passover arrived, they are asking what should they do. Should they celebrate one day, like the Jews living in *Erez Israel*, or two days

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40 *Yiseu Harim Shalom*, p. 97.

41 *Ibid.* p. 93.

42 J. S. Elyashar, *Responsa Simhah le-Ish* (Jerusalem 1888) p. 110a.

as is the custom of all the countries  
outside of *Erez Israel*."<sup>43</sup>

Rabbi Jacob Saul Elyashar makes an interesting reference to the *responsa* of Rabbi Joseph Caro,<sup>44</sup> *Avkat Rohel*, which is discussed in detail in Chapter 10. There, Rabbi Caro ruled that whichever custom (*minhag*) is currently practiced in any place, that custom would be binding on all the Jews who came to live in that location afterward. Rabbi Elyashar, therefore, ruled:

"If the first ten people who came to live . . . are from the sons of *Erez Israel*, they would act according to the custom of *Erez Israel* . . . If the first were the sons of the Diaspora, they would act according to the custom of the sons of the Diaspora to make the festival two days . . . This would apply to all those who followed."<sup>45</sup>

The most significant demographic restructuring of the Jewish community in *Erez Israel* was the re-establishment of an

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43 Ibid.

44 Rabbi Joseph Caro (1488-1575) most eminent of all halakhic codifiers. Wrote the *Shulhan Arukh* as a digest of his codification of *halakhah Bet Yosef* (first published 1555), in his *Responsa* work *Avkat Rohel* (see Jerusalem 1860 version, edited according to the Leipzig edition 1859, Mark 212, p. 193), states:

"[newly arrived] Ashkenazim [to an existing Sephardi community] have to adopt the Sephardi customs. . . even if the Ashkenazim became more than the Sephardim, [my emphasis - C.K.] the Ashkenazim must adopt Sephardi customs. . . and all the Ashkenazim who come afterwards do not count in this regard."

45 Ibid.

Ashkenazi community in Jerusalem. The Jewish community of Jerusalem benefited, demographically, in direct proportion to the catastrophes which befell Safed. As described in Chapter 9, Safed suffered a series of disasters beginning with the cholera plague in 1813, followed by earthquake of 1837 and culminating in the Druze rebellion in 1838. Following the Cholera plague in 1813, Rabbi Menahem Mendel of Shklov - the leader of the *Perushim* - set out (in 1816) to settle permanently in Jerusalem. Rabbi Israel of Shklov remained behind in Safed, devoted to the struggling Safed community. Serving as a focal point for the reconstruction, Rabbi Israel of Shklov took it upon himself to carry the burden of leading the community until

"all their needs are satisfied...."<sup>46</sup>

For the first time since 1721, a small Ashkenazi community was striking roots in Jerusalem. Renting the *yeshivah* of Rabbi Hayyim Ben Atar,<sup>47</sup> they established a synagogue and a *bet midrash*. The synagogue, according to Rabbi Menahem Mendel, was used

"only during the weekdays, because there was no [government] permission to pray there on the Sabbath."<sup>48</sup>

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46 Rabbi Israel of Shklov, *Peat ha-Shulhan*, Luncz edition, 1911, Preface.

47 See Luncz, *Yerushalayim*, (Jerusalem, 1872), Vol. 4, letters, pp. 114-115

48 Ibid.

The Ashkenazim in Jerusalem, composed mainly of the survivors of the various Safed catastrophes, set themselves the task of rebuilding the Ashkenazi community and the *Hurvah* Synagogue of Rabbi Judah he-Hasid. This undertaking had both emotional and symbolic meaning for the renewed Ashkenazi community.

The *Hurvah* was in the section of Jerusalem called by the Arabs "Dir el Ashkenaz," and was held under lien by those who considered themselves the heirs of the creditors of the defunct 18th century Ashkenazi community of Jerusalem, who had left an enormous burden of debt. After great effort, permission was finally obtained from Constantinople to have these debts cancelled and for the Jews to rebuild and re-occupy this part of the Jewish Quarter in Jerusalem. At the time, the reconstruction of the *Hurvah* Synagogue was considered to be a sign of the imminent arrival of the Messiah.<sup>49</sup>

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49 See Chapter 1.

**CHAPTER VI**  
**TRADE AND COMMERCE**



During most of the 19th century, the Palestinian economy was relatively primitive. Political and social disorder and rampant corruption, endemic during the period of Ottoman rule, made many types of economic enterprise untenable. The economic climate began to improve during the short period when Palestine was ruled by the Egyptians commencing in 1832, but conditions deteriorated once again when Ottoman rule was restored in 1840.<sup>1</sup>

Most Jews were supported by the global Jewish community through the *halukkah* system. Nevertheless, during this century, some Jews successfully made a living independently from the *halukkah* system - which, in any case, was generally insufficient.<sup>2</sup>

Some Jews, mostly Sephardim, made a living by leasing property from Muslim owners and sub-letting them to fellow Jews. The *takkanot* that the rabbis issued to control such leases reveal that uncontrolled price wars were fought for scarce rental property, and that this led to perpetually rising rents for the Jewish tenants. Eventually, the rabbis renewed the ancient *Takkanat ha-Hazakot*<sup>3</sup>, which was re-

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1 See Gat, p. 34.

2 See Gat, p. 93, where he states that 85% of the *Yishuv* was supported by the *halukkah*. Some Jews, however, enjoyed an independent income in addition to the *halukkah*.

3 Lit. "the *takkanah* regarding possession." *Takkanat ha-Hazakot* was first enacted in Jerusalem in the seventeenth century. The text of the renewed *Takkanat ha-Hazakot* was published by the Israel Bak Press (Jerusalem, 1859). It was signed by Rabbi Samuel

enacted in Jerusalem in 1859. Its aim was to prevent Jews from trying to outbid each other to assume control of courtyards (*hazerot*)<sup>4</sup> and apartments.

To comprehend its effect and the reasoning behind this *takkanah*, it is necessary to analyse briefly the prevailing state of the property market in Jerusalem:

The owners of houses and *hazerot* in the Jewish quarter of Jerusalem were generally Muslims who leased their property to Jews for a certain sum for a defined period. The Jewish lessee was called "the possessor," or *hazkir*, and he in turn, sublet flats or rooms in the house or the *hazer* to other Jewish tenants at a profit. Thus, the *hazkir*'s income from the property was the difference between that which he paid to the owner and that which he obtained from the

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Salant, among others, and Rabbi Abraham Ashkenazi, the *Rishon le-Zion*. An identical text appears in *Sefer ha-Takkanot ve-ha-Haskamot u-Minhagim Poh Ir ha-Kodesh Yerushalayim*, (Jerusalem, 1883), p. 436. See also *Gat*, pp. 51-52.

4 *Hazer* (pl. *hazerot*; lit. "courtyard"): a *hazer* was a cluster of buildings interwoven into one complex, often combining residential sections with synagogues and small schools. This arrangement contributed to the security of its residents. Similar arrangements were found in the Arab quarters, but each Arab courtyard usually belonged to a single extended family, while Jewish *hazerot* were usually shared between many families and communal institutions.

For a list of *hazerot* in Jerusalem, compiled in 1932, see I. Press, *Im Eshkahekh Yerushalayim (Le-Toldot ha-Yishuv bein Homoteah shel Yerushalayim)*, *Yerushalayim Quarterly Year I*, Issue 1-2, 1949, pp. 1-21. See also D. Yellin, *Kitvei David Yellin* (Jerusalem, 1972), Vol II pp. 241-243. See T.V. Parfitt, *Jews in Palestine*, pp. 47-48.

tenants. Inevitably, some tenants went over the heads of the *hazkir* and offered to pay the Arab landlord a rent higher than that paid to the landlord by the present *hazkir* but lower than the one the tenant paid to that same *hazkir*. Then, upon obtaining the *hazakah* (possession) from the landlord, the new *hazkir* invariably raised rents for the other tenants who lived on the property. The Arab landlords also used this situation to pressure the *hazkirim* to pay more - with the threat that if they did not, the *hazakah* would be transferred to another Jew who would pay a higher rent. Obviously, this resulted in ever-spiralling prices.

In an attempt to restrain this phenomenon, the rabbis re-enacted in 1859 the ancient *Takkanat Hazakot*, which in effect forbade any Jew from bidding for the *hazakah* held by another Jew by going directly to the Arab landlord.

According to Rabbi Eliezer Bergman in *Yiseu Harim Shalom*, both the Sephardim and the Ashkenazim were involved in this property trade. There were many partnerships in the purchases of *hazerot* and other land.<sup>5</sup> However, it appears that certain Ashkenazim did not see themselves bound by the *Takkanat Hazakot*, which had originally been enacted in previous centuries by Sephardi rabbis - at a time when there was no Ashkenazi community. Therefore

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<sup>5</sup> See *Shemō Moshe*, p. 207b.

זה

## ספר תקנות

ונוסח הסכמות ישנות אשר נבלו ראשונים כמלאכים  
לקרושים אשר בארץ המה חלקם בחיים, והיה  
בעבור תיקון והעברה הזאת העיר שיאמרו כלילת יומי, הבת  
ירושלם, מיוסדים על אדני פו, קו היושר והאמת בכל הקף  
ההסכמות הנעשות מימה מרעה לבל ימוטו לעולם ועד ולכונן  
את ירושלם. גם חרשות שנחרשו מעתה. אלו ואלו כן  
המקדש יוצאים, ציון כמשפט חמרה ושניה יושבי ירושלם.

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חמח ממכלת ארונינו המלך כאדיר החסיד שלטון

עבדול מאג'יר ירום הגדון

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נדפס

פעה"ק ירדן שלם הוכב"א

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בשנת תרב גדולתי לפ"ק

"the rabbis of Jerusalem came together, both Sephardi and Ashkenazi, for the public welfare and to search for a cure to this plague and formally renewed the takkanah."<sup>6</sup>

The renewed takkanah stated clearly that

"no Israelite may go to a Gentile and rent any house from a Gentile in a place where there is a Jewish possessor [i.e. *hazkir*] under any circumstances. Neither can any Israelite add to the rental of a house in which an Israelite dwelleth therein, unless he was specifically informed that the Israelite living in that house was leaving it of his own free will."<sup>7</sup>

Among the signatories of this renewed takkanah were Rabbi Samuel Salant for the Ashkenazim, and Rabbi Abraham Ashkenazi, the *Rishon le-Zion* for the Sephardim.

There were other types of restrictive practices in the property market. Sephardim, for example, sometimes attached a covenant to property forbidding its sale to Ashkenazim.<sup>8</sup> There were those who attached a covenant to a property with other aims in mind: For example, in a treatise on Jewish mysticism entitled *Sefer Rommemut Nishmat Israel*,<sup>9</sup> a Rabbi Wartman wrote a preface to his sons and grandsons in which, among other things, he noted:

6 *Sefer ha-Takkanot*, p. 436.

7 *Ibid.*

8 See M.D. Gaon, *Zeror Teudot Atikot* ("A Bundle of Ancient Documents"), *Jerusalem Quarterly*, (Jerusalem, 1948), Year I, pamphlet 3/4, p. 117.

9 Printed Jerusalem, unknown press, 1865.

"I would inform you that, thanks to God, I bought a house in Hebron, and there there is a large room downstairs and a small room upstairs on the side, and I hereby warn that this house should not be sold and that only poor people should dwell there for no money. Only if my children or my grandchildren will come to live in *Erez Israel*, then after one half of a year from the date of their arrival, they will gain the house and they will live there for the rest of their lives. If they wish to live in another city in *Erez Israel*, then they will rent out the apartment . . . . And whoever comes first of my children and my grandchildren, he will be the one to gain the house. . . ."10

Rents were often high. The entire *halukkah* allotment for one family was spent almost entirely on rent and heating.<sup>11</sup> The cost of rentals rose in direct proportion to the size of the room and its proximity to

"the Street of the Jews - and the *battei midrash*."12

From 1832, printing provided another source of livelihood. Prior to this date there was a scarcity of printing facilities in *Erez Israel*,<sup>13</sup> and this caused a marked shortage of books<sup>14</sup>. For the People of the Book,

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10 Ibid. Preface.

11 Rabbi Moses Nehemia Kahanov, *Kunteres Sha'alu Shelom Yerushalayim*, (Jerusalem, 1868), p. 95.

12 *Sha'alu Shelom Yerushalayim*, p. 72.

13 The first printing press was set up by Israel Bak in Safed in 1832. After its destruction in 1837, Bak moved to Jerusalem, where he established the first Hebrew printing press in Jerusalem around 1840.

14 Such books as could be obtained were expensive. Rabbi Hillel Rivlin complained of the high cost of living when

particularly the devout Jewish community in *Erez Israel*, this was a major deficiency, which led Rabbi Hayyim Katz to write in 1810:

"and one should make public that anyone who is coming should bring with him books that are not common here."<sup>15</sup>

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he referred to the three requirements of life in *Erez Israel*, - food, coal and books. "Coal," he said "had become very expensive," [Letter from Rabbi Hillel Rivlin to his son-in-law Rabbi Shmaryahu Luria, *Me'assef Zion B*, 1933, p. 146] as had the price of books [Ibid.]. It should be noted that books were by no means the only everyday items that were in short supply. At the end of his letter to Shmaryahu Levin, Rabbi Hillel asked for some candle-holders to be sent from Vilna - an indication that even such mundane necessities were not easily available in *Erez Israel*. In later years, Rabbi Eliezer Bergman described other items that immigrants should bring with them to *Erez Israel*. Among these items, which were unavailable, were a wide range, from metal cooking utensils [*Yiseu Harim Shalom*, p. 62] to toilet seats [Ibid].

Hillel Rivlin, 1758-1838, born in Shklov, was active in the Hazon Zion Association, which was founded by his father, Benjamin Rivlin (Riveles). This association, which had the aim of encouraging emigration to *Erez Israel*. Benjamin Rivlin did not succeed in reaching *Erez Israel*, but died on the way in 1812. Hillel immigrated to *Erez Israel* in 1809 at the head of a company of 70 people, many of whom were disciples of the Vilna Gaon. He later settled in Jerusalem. He wrote a (recently discovered) *kunteres* called "*Kol ha-Tor*" which also deals with the expected arrival of the Messiah in 1840. He disagrees with the popular view which expected the Messiah at that year. Instead he viewed 1840 as a critical year which, when looked back upon would be viewed as the year in which the Messianic age had begun. Rabbi Rivlin died in the plague that broke out in 1838.

15 A. Ya'ari, *Shelihuto shel Rabbi Israel mi-Shklov, Sinai Yarhon Dati-Leumi le-Torah, le-Mada, u-le-Sifrut*; Rabbi Judah Leib Fishman (ed.), 3rd Year, No. 1-2 (Jerusalem, 1939) p. 63. See also Appendix I.

The printing trade prospered,<sup>16</sup> which was only to be expected in a country where so many of the inhabitants were scholars. However, it was not without problems at its inception.<sup>17</sup> In an early volume entitled *Sefer Mo'adei Ha-Shem*, which contained the prayers of the three festivals with commentaries, the printer Israel Bak inserted the "Printer's Preface" in which he described the difficulties of importing paper. He also took the opportunity to complain about the "exhausting" task of training workers in the craft of the printer.<sup>18</sup>

Many rabbis supported themselves by the publication of various treatises on Jewish ritual and legal matters. For example, a work issued on behalf of the *Moghrabi* community related that Rabbi Yaakov Turgeman was given 400 Spanish gold coins by an English Jew to pay for the publication of books written by Turgeman's father, the *Moghrabi* leader Rabbi Moshe Turgeman. The arrangement included a contractual agreement that "the profits would be divided in half."<sup>19</sup>

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16 See Gat, p. 45.

17 The first printing press in *Erez Israel* was established in Safed in 1577 by Eliezer ben Issac Ashkenazi, together with Abraham ben Issac Ashkenazi. This printing press closed down ten years later, in 1587. Only six books from this press still survive. Three of these were printed before 1579, and three were printed in 1587. There was a hiatus of 245 years before Israel Bak established a new printing press, again in Safed, in 1832. See also Halevy, *Yerushalayim* (Jerusalem 1976).

18 Hayyim David Joseph Azulay. *Sefer Mo'adei Ha-Shem*, (Jerusalem, 1844), Preface. See also Halevy, *Yerushalayim*, preface.

19 Turgeman, Moshe. *Mishpat le-Elokei Yaakov* (Jerusalem, 1847).



Despite the generous advance, the younger Turgeman obviously did not fulfill his side of the bargain. The Englishman demanded his money back, and produced a Bill of Exchange signed by Rabbi Yaakov Turgeman supporting his claim. It is obvious from this, and the way it was recounted, that such transactions were fairly common practice in the publishing business.

After the earthquake in Safed, Rabbi Israel of Shklov, the leader of the *Perushi* community, made a rare personal plea to the *Pekidim* and *Amarkalim* Society in Amsterdam, requesting these to sell his works:

"Please, my lords, save us [and] also myself through the means of my books *Pe'at ha-Shulhan* and *Bet Israel* that I sent. Distribute [them] to the lovers of the Torah and the learners thereof. . ."<sup>20</sup>

The sale of his books would obviously be an important source of income for Rabbi Israel of Shklov at that time, but, he said,

"s a result of my numerous sins, all my books, all I have in my house in Safed fell [in the earthquake] and [I have] remained without anything, may God help me amongst the troubles of the many."<sup>21</sup>

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20 *Pe'at ha-Shulhan* and *Bet Israel* were printed in Safed in 1837.

21 *Ya'ari, Iggrot*, p. 362. See Luncz, *Yerushalayim*, year 9, p. 151-158.

Another instructive example of the trade in rabbinic and halakhic books is *Sefer Bikurei Shmuel*, written by a Rabbi Shmuel Shmulke Weintraub who called himself "*Ish Varsha*" ("A Man of Warsaw"). The author of this book (which is a commentary on *The Book of Proverbs*) tells in his preface that he was formerly a businessman in Warsaw, until his business failed and he came to Jerusalem.

"Even here. . . it is very difficult [financially] for a man of my age. . . I said [to myself] I shall bring out. . . this. . . book. . . perhaps it will find favour."<sup>22</sup>

The first books to be produced and printed in Jerusalem appeared in 1841,<sup>23</sup> and within two years, an export trade in books had been established. In a *Responsum* by Rabbi Hayyim Abraham Gagin<sup>24</sup> a question is raised regarding Israel Bak, the printer, regarding volumes of

"the Torah Without Commentary. . . that Reb Israel the Printer sent to Izmir . . . and [which] were lost at sea."<sup>25</sup>

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22 S.S. Weintraub, *Sefer Bikurei Shmuel*, (Jerusalem, 1882). Preface.

23 It has been suggested that Israel Bak established his Jerusalem press two years earlier, in 1839. This suggestion is based on a statement by Rabbi Jacob Saphir, who wrote that "I had printed [a poem in honour of Moses Montefiore's 1849 visit] already in 1839 in Jerusalem." Halevy dismisses this as a printing error, and suggests that the correct reference should be 1849, not 1839. See Halevy, *Sifrei Yerushalayim*, p. 22.

24 *Sefer Hukkei Hayyim, Responsa*, (Jerusalem, 1843) p. 1.

25 *Ibid.* section 33, p. 58.

Rabbinical literature from this period indicates that the Jewish community in *Erez Israel* pursued a variety of other commercial activities. One common economic pursuit involved articles used in religious and ritualistic practices. As *Erez Israel* was the focal point for religious Jews throughout the world, it was only natural that those living in *Erez Israel* should attempt to capitalize on this and to engage in related commerce.

For example, the trade in *etrogim*<sup>26</sup> was widespread, and became a mainstay of the *Yishuv* economy.<sup>27</sup> This trade appears to have been well-organized, and one manuscript found by this writer in the archives of Rabbi Jacob Saul Elyashar refers to merchants and traders who specialised in

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<sup>26</sup> *Etrog* (pl. *etrogim*):

<sup>27</sup> The *etrog* traders in *Erez Israel* faced fierce competition from Greek cultivators on the island of Corfu, who had long enjoyed a monopoly of the *etrog* market. In the latter half of the nineteenth century, however, the *Erez Israel etrog* industry experienced phenomenal growth. Yehiel Michael Pines wrote that in 1875 *Erez Israel* produced only 6,000 *etrogim*. Eight years later, *Erez Israel* exported 40,000 *etrogim*. See *Ha-Meliz* 1883, no. 57; also Yomtov Levinsky (ed), *Sefer ha-Mo'adim* (Tel Aviv, 1974), p. 145.

David Yellin recounted in 1898 that

"Jaffa produces almost half of the *Erez Israel etrog* crop - fifty to sixty thousand.... Lifta and Artas near Jerusalem produce around one thousand per annum.... Umm Al Fahm - ... also fifty to sixty thousand *etrogim*."

*Yerushalayim Lifnei Arba'im Shana* (Jerusalem 1898). In other words, during approximately a quarter century (1875 to 1898), the *etrog* crop grew from 6000 *etrogim* to over 100,000 *etrogim*.

dealing in *etrogim*. In this still unpublished manuscript written by Rabbi Isaiah Ornstein,<sup>28</sup> Rabbi Elyashar is requested to intercede in a matter of

"Mordehai, may his memory be blessed, who was a dealer in the *etrog* trade. . . for several years. . . and the poor man. . . died as a result of this trade in his youth."<sup>29</sup>

The death was apparently the result of a work accident, although the manuscript is not specific on this point. It can be surmised, however, that as the only risk involved in the *etrog* trade was the actual picking of *etrogim*; the unfortunate Mordehai was killed during the *etrog* harvest, or perhaps he was killed in an accident during the transportation or packing stage. However vague the circumstances of his death, the result of his death was clear:

"his wife remained a widow with five orphans - impoverished, hungry, thirsty. . ."<sup>30</sup>

Rabbi Ornstein suggested that a levy be instituted to assist the family in its hour of need and he urged Rabbi

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28 Rabbi Isaiah Ornstein, (1836-1909) was a gifted scholar, the leader of *Kolel* Habad in Jerusalem and a founder of the Me'ah She'arim suburb; noted for his courage, Ornstein was instrumental in saving many lives during the cholera outbreak of 1866. In 1894, he founded *Yeshivat Ohel Moshe*.

29 J.S. Elyashar Archives no. 4-1742, The National Library, Jerusalem.

30 Ibid.

Elyashar to adjudicate on this point. In making his case, Rabbi Ornstein noted that

"In my humble opinion, it is right from the point of view of honesty and mercy, to allocate to them at least two *kirat* from those surviving [merchants], and they [the deceased's family] will obtain themselves by this right a few *liras* per annum. . . from the merchants, and this shall be an assistance for them towards the rent. . . ." <sup>31</sup>

Rabbi Jacob Saphir Halevi, who was active in the *etrog* trade, described in 1854 how he had gone regularly to cut the *etrogim* in

"the jolly city of Umm Al Fahm and its surrounding areas because that is where they mostly grow." <sup>32</sup>

Rabbi Saphir described the primitive mode of cultivating new *etrog* trees which was then prevalent:

"And behold, one takes a branch from the *etrog* tree [and plants it] directly in the ground and one hits it with a hammer so that it is well attached to the earth and one waters it consistently until it grows and grows and produces fruit." <sup>33</sup>

In an early reference to the trade in *etrogim* and how it was effected by the vagaries of the weather, Rabbi Menahem

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31 Ibid.

32 *Shomer Ziyyon ha-Ne'eman*, (Altona, 1854) vol 178-179. p. 355.

33 Ibid. p. 357

Mendel of Kaminiecz<sup>34</sup> lamented the great losses incurred in Safed in 1833 when "the trees of the etrog were spoilt"<sup>35</sup> by the snow.

The system of distribution of goods within the primitive Palestinian economy was drastically affected by the weather. Rabbi Menahem Mendel relates how the donkeys and asses that serve as the main method of distribution of goods died in great numbers as a result of the weather. All of this caused prices to rise steeply.<sup>36</sup>

Rabbi Jacob Saphir Halevi related in 1854 that the cost of *etrogim* was high and that the price was a function of the "dangers on the roads" of *Erez Israel*.<sup>37</sup>

A vivid portrait of the business practices of the period was provided by the description of a dispute that arose in a Jerusalem firm which was involved in the *etrog* trade. A still unpublished manuscript, signed by Rabbi Jacob Saul Elyashar (see below, Plate 15), throws light on the exportation of *etrogim* which was, as mentioned, an important part of the Jewish economy in *Erez Israel*.

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34 Member of the *Perushi kolel* in Safed during the early years of the century.

35 *Zikhronot Erez Israel*, p. 128.

36 *Sefer Korot ha-Itim le-Jeschurun be-Erez Israel*, written in *Erez Israel*, published in Vilna, 1839, Menahem Mendel of Kaminiecz, Facsimile Reprint Yad Ben Zvi and Hebrew University, 1975, p. 6.

37 *Shomer Ziyon ha-Ne'eman*, (Altona, 1854) vol 178-179. (Iyyar/Sivan) p. 357.

The business correspondence of this company with customers abroad was written in Hebrew. Rabbi Elyashar ordered the Ashkenazi partners to use Rashi script so that this correspondence could be understood by their Sephardi partners.<sup>38</sup>

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38 The Hebrew characters used by the Sephardim were different from the those used by the Ashkenazim, and the two groups often could not read one another's handwriting. Zimmels, in his *Ashkenazim and Sephardim*, states:

"The invention of printing brought about the first decisive step towards the abolition of the difference in the Hebrew characters in use among the Ashkenazim and the Sephardim. From the end of the fifteenth century onwards, as far as printed books are concerned, the works of both Ashkenazi and Sephardi authors, being printed by the same printing-presses, had naturally to use the same types. Thus we find all three types, viz. the square, the Rashi, and the 'Weiberdeutsch' (so called because it was used in the *Zeenah u-Reenah* read by women), employed in the works of the Ashkenazim as well as of the Sephardim. In written religious works and documents, however (e.g. the scroll of the Law, *mezuzoth*, &c.), and similarly in the cursive writing used in private matters the difference between the two Jewries still continues.... It was only a few years ago that the Ashkenazi cursive writing was generally adopted in Israel for use in schools and in official quarters. It is now in use even among the Sephardim in their private life."

H. J. Zimmels, *Ashkenazim and Sephardim* (London, 1958), pp. 97-98.

Interestingly, in Rabbi Elyashar's preamble to the arbitration document, he stated that one reason he agreed to act as arbitrator was in honor of "the great rabbi of Kalisch," who was involved in the *etrog* trade and indirectly involved in the dispute before Rabbi Elyashar. The Kalischer Rabbi was Meir Auerbach, an important leader of the Ashkenazi community, and from the preamble in Plate XV, it becomes evident that it was acceptable for rabbinic scholars, even those of the Kalischer's eminence, earn at least a partial livelihood from investments in the *etrog* trade. Rabbi Elyashar noted that

"the great rabbi of Kalisch had already contracted with them to buy all the *etrogim* that they would deliver to his hand, and he would pay them as according the value decided between them is as stated explicitly in the document between them. I was concerned that if the partnership was dissolved, this would cause great damage to the aforementioned rabbi. . . and. . . I took it upon myself to adjudicate. . . and to adjudicate peace between them."<sup>39</sup>

In another still unpublished manuscript, Benjamin Beinush Salant<sup>40</sup> wrote to Rabbi Elyashar about the dispute described in Plate XIV. From this letter, and from other documents, it is evident that an integral part of the *etrog* trade involved the leasing of allotments in the city of Jaffa,

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39 Arbitration Document, Rabbi Jacob Saul Elyashar, Jewish National and University Library, J. S. Elyashar Archives 40176/2 no. 1.

40 Jewish National and University Library, J. S. Elyashar Archives 40176/2 no. 4.



where etrog trees had been planted. The number of these allotments was evidently limited, as Rabbi Salant explained to Rabbi Elyashar that by the time he had visited these plots, only a few were still available.

לכבוד הרכנים גדלים כדל אשר נכירו ונאמרו פוחרי איתרננים לדון בינונו על המות שהי' בינונו  
וכראשם הרב הכנולל מנפלא שבמנהגיו רחש כל מקום בהיר ועקב אכול אליו אשר הנו

אחרי שמתו היום מפיק את הפסק כלל שהסכימו בענין הדל שהי' בינונו האורפוס פוחרי איתרננים. אשר השתפוט  
בינונו עומד קיים בתקפן. ולא נכדו יבאר העוב מה יהי' הדיון בהגונות אשר נכדו נשכר משני הצדדים היינו שהמק  
כבר שכרו גנות ביפן כמעט נוב הגינות עוד במר' אלול ותשרי, וכאמרו באתי ליפן בח' חשוון מאלאמו אשר הורה  
כבר שכרו עיקר הגינות ביפן, ועל אדם לדגם. ואז אדיתו גם חנכו בשותפות עם ח' רפאל עמקני' הנשאר מהגונות  
אלה שכרו המה; עמלק עמרו הק ונכנס, וכינו: כפי אופנו השער אשתפות, עש פלאט עמקני' ע"ק ועכשיו אינו אולם  
ומעלתם שיפישו לנו באר העוב על להבא, אם כל מה ששכרו בא הוא לאמנע והשתפות קיים עד משך זמן השתפות  
כי אז הדיון נותן אי להם חלק גם באיתרנו נעעע, ואם כל מה אשר נכדו ביפן לא יתנו לנו חלק בהם ח"ק ע"ק  
על הדעת שהמה יקבלו חלק באיתרנו נכדו<sup>נש"ק</sup> אחרי שהמה חנכילים את כל האשתפות, והגונות ששכרו מכדו בח' תשרי והעני  
לא יהי' לנו חלק בהם

והנה כנודע להרז לענונו והרז ספור אשר המה לא שכרו אום גינה, אולם להרז לענונו בקשנו, והאיב בו איין רזנונו בשנים אופין  
לעסקן בזה הסנה כוממר איתרננים, והרז ספור כשכל לפה בקשנוהו ג"כ איכנס עמנו בפוי אופנו האשתפות; והוא הש  
לנו באיין רזנונו להשאר עמנו בשותפות כפי השכנו חלקו שהי' תקבל מקום, כי אם בחלק גדול, וכאם לאו לא יהי'  
אמק עמנו קק ועסקן לכדו, ואם אנחנו מצוינו הנונו מפלם להסאנו האונפיות במקומה ובתוקפה. נק המה מצעל  
האשתפות, ואם היתכן לאמנו החכל כשנו ראשום.

43 Manuscript 5, J.N.V.L., J.S. no. 4.  
44 There was a Jewish bath-house in Jaffa, called the "Beinsuh" (Beinsuh = to bathe). It was also a popular resort for  
Jerusalem and Hebron, who regarded it as a holy place. In a responsa written by Rabbi Salant  
Hebron, he explains why his response is in the name of Beinsuh.

בין הרש אלו

Plate XIV: Letter from Beinsuh Salant to Rabbi Elyashar  
Regarding Etrogim  
JNUL 4<sup>o</sup>176/2 No. 4

where *etrog* trees had been planted. The number of these allotments was evidently limited, as Rabbi Salant complained to Rabbi Elyashar that by the time he had come to lease such plots, only a few were still available.<sup>41</sup>

Plate XV also refers to an allotment owned by the "Netter partnership," from which it can be assumed that *etrogim* were either purchased from the *Mikveh Israel* School<sup>42</sup>, which was run by Charles Netter, or that land was rented from the *Mikveh Israel* Agricultural School for the purposes of the *etrog* business.

From Plate XV,<sup>43</sup> it is evident that some of the partners in the *etrog* business may have actually lived in Jaffa.<sup>44</sup> The business exported *etrogim* abroad, but local sales were made from the Jaffa depot of the partnership.<sup>45</sup> The general manager of the partnership, one of the Ashkenazim involved in the enterprise, supervised foreign and local income. It

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41 Ibid.

42 Ibid.

43 Manuscript 5, J.N.U.L., J. S. Elyashar Archives 40176/2 no. 4.

44 There was a Jewish community in Jaffa headed by Rabbi Halevi. It was also a popular resort for Jews of Jerusalem and Hebron, who regarded it as a health spa. In a *responsum* written by Rabbi Rahamim Franco of Hebron, he explains why his response is so short.

"Because I have little time to lengthen [my answer] for I am heading toward Jaffa to bathe in the sea water; may the Lord grant me a complete cure."

*Responsa Avlat Ish*, (Jerusalem, 1899), Section 5 p. 21a.

45 Manuscript 5, J.N.U.L., J. S. Elyashar Archives 40176/2 no. 4.





appears that the partners themselves were involved in the manual labour related to the business.

"Some of the partners have to go and collect the *etrogim* from the allotments, and some of them have to be busy with the *etrogim*, wrapping, packing and putting them in boxes."<sup>46</sup>

From Plate 15, mentioned above, it is evident that some *etrog* businesses had interests not only in Jaffa but also in the village of Umm Al Fahm, where Jews leased plots of land for the purpose of growing *etrogim*.

Advertising is an important marketing tool in any modern trade; so it was with the sale of *etrogim*. Treatises were published offering fulsome descriptions of the ritualistic and halakhic quality of *etrogim* from "the Holy City of Jaffa."<sup>47</sup> As the *etrogim* that were the fruits of grafted trees (*murkav*) were considered to be of lesser quality, and in order to protect the good name of the *etrogim* of *Erez Israel*, the pamphlet - *Tuv ha-Arez* - stated that the great rabbis of the Ashkenazim, Rabbi Joseph Sundel Salant and his son-in-law Rabbi Samuel Salant

"had placed. . . guards (who) were scholars and fearful of the Lord, to check the trees and guard that no *etrog* from a *murkav* tree shall be mixed in (with a non-*murkav*), Heaven forbid."<sup>48</sup>

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46 Ibid.

47 See *Tuv ha-Arez*, Jerusalem, 1882., p.1

48 Ibid.

Rabbi Elyashar also signed this pamphlet.

One of the protagonists in the previously mentioned dispute, arbitrated by Rabbi Elyashar, Rabbi Benjamin Beinush Salant, is mentioned in a declaration issued by the *Bet Din Zedek* of Jerusalem in 1877.

"For many years, Rabbi Benjamin Beinush Salant - esteemed in Jerusalem - has been trading in *etrogim* and last year, as in this year, one of the partners travelled abroad - he being Rabbi Dudu Leib, the son of ha-Rav ha-Gaon ha-Zaddik Morenu Ha-Rav, Rabbi Josef Sundel Salant . . . to make a contract there with the merchants who deal in this business. This is because last year, many *etrogim* were spoilt, and reached our brothers abroad [spoilt]. . . The reason for this was the length of the way in which they travelled in a closed barrels from here until they reached the place to which they were sent. And when one goes bad, this is the reason for the spoilage of many, as is known. And to avoid this problem this year, the afore-mentioned partners were wise and Rabbi Dudu Leib resided in Trieste, and all the barrels that are sent from here signed with the seal of the *Bet Din Zedek* he receives them there . . . and sorts out the spoilt ones from among them, then replaces them in the barrel and signs them with his own seal.

And we have come to testify regarding these people that these partners are . . . God-fearing, honest and men of integrity . . . and all their *etrogim* which they sent from here are from the known places which are held to be . . . non-*murkav* and there is no doubt about this at all.

Signed,

The *Bet Din Zedek* of the Ashkenazi  
*Perushi Kolel* . . .

Tammuz 8, 1877 here in the Holy City of  
Jerusalem . . . "49

As a result of the doubts raised by various people as to the non-*murkav* status of the *etrogim*, the rabbis of both the Sephardim and the Ashkenazim checked and supervised the *etrog* orchards in Jaffa and in Umm Al Fahm.<sup>50</sup>

49 This was a public letter printed in the newspaper *Yehudah vi-Yrushalayim*. See G. Kressel ed. *Yehudah vi-Yrushalayim*, (Jerusalem, 1956), p. 101.

50 Proving that the *etrogim* of *Erez Israel* were not *murkav* was so important to the Jewish economy that *Yehudah vi-Yrushalayim* informed its readers that

"The *Geonim* of the Holy City of Jerusalem ordered Rabbi Samuel Munia Zilberman . . . who had traded for a few years in *etrogim* and there is none like him who know and who are as experienced in checking *etrogim* throughout the whole of the Holy City, and also Rabbi *Moreinu ha-Rav*, Rabbi Shlomo Zalman Loewy, and Joel Moses Salomon, the publisher of *Yehudah vi-Yrushalayim*, to go to Jaffa and to check all the allotments in which the *etrogim* were grown."

*Yehudah vi-Yrushalayim*, p. 105

They were accompanied by Rabbi Jacob Halevi Saphir, and were met there by Rabbi Aron Azryel (1809-1879). The above delegation resided in Jaffa for nine days and studied the *etrog* trees. Following this investigation, they were joined by Rabbi Benjamin Beinush, the son of Rabbi Samuel Salant, who, with them, traversed a large part of *Erez Israel* - they travelled to Umm Al Fahm, Hittin, Nazareth, Tiberias - the investigation continued for nineteen days, and

"they dug all these trees [exposing] their roots and generally we can give complete testimony that these plots are far from being *murkav* at all."

*Yehudah vi-Yrushalayim*, p. 105. The party did not manage to check the plots near Nablus because of the

In his *Responsa Ma'asei Ish*, Rabbi Elyashar told a concerned questioner from the Diaspora to pay no heed to the rumors that the *etrogim* of *Erez Israel* were *murkav*.

"The *etrogim* sent abroad - each one of the traders encloses a certificate from the rabbis that testifies ... that they are completely kosher without any fear of *harkavah* [being *murkav*]." <sup>51</sup>

Rabbi Elyashar recommended further the announcement in every

"synagogue ... that all who have the fear of God in their hearts are obligated to say blessings especially over the *etrogim* of *Erez Israel*." <sup>52</sup>

Elyashar referred to the *etrogim* of Genoa and Tunisia and said that

"in all these places there were *murkavim* and no better [than the *etrogim* of *Erez Israel*]." <sup>53</sup>

Elyashar was one of the leaders of the effort to support this important sector of the Jewish economy in *Erez Israel*. Referring to the competition provided by the *etrogim* grown

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dangers of travelling near that city. For more regarding the travels of this group, see *Yehudah vi-Yrushalayim, Masa be-Erez ha-Zevi*, p. 106-114. Compare *Gat*, 40-41. See *Ha-Levanon*, Vol. 14, (1878) issue 14.

51 J. S. Elyashar, *Responsa Ma'aseh Ish* (Jerusalem, 1892), p. 3b.

52 Ibid.

53 Ibid.

on the island of Corfu, he stated that the *etrogim* of *Erez Israel*

... have the right of primogeniture and [one] should say blessings over them and not over the *etrogim* of Corfu ... wherever the *etrogim* of the Holy Land are found one should give them first priority..."<sup>54</sup>

There were other trades available in *Erez Israel* for those who were willing to work. In one of his works encouraging immigration to *Erez Israel*, Rabbi Eliezer Bergman listed the skills, trades and crafts which would enable newcomers to earn a living.<sup>55</sup> The activist school of thought,<sup>56</sup> which Rabbi Eliezer Bergman lead, was opposed to hand-outs from the *halukkah* charity machinery; instead, it encouraged immigrants to be productive and self-supporting. In his pro-immigration writings, Rabbi Bergman offers a list of possible occupations<sup>57</sup> replete with his own comments:

"watchmaker - there is a single one, and he is no expert; bakers - there are many, and not one of them is Jewish;

54 *Ma'aseh Ish*, (Jerusalem, 1892), p. 3a Section 4.

55 A Bartura (ed.) *Yiseu Harim Shalom*, Writings & Letters of Sila & Eliezer Bergman (Jerusalem, 1968), pp. 66-70.

56 For a full analysis of the activist and passivist philosophies see Chapter 1. Briefly, there were two fundamental schools of thought in *Erez Israel*. The activists believed that the resettlement of *Erez Israel* and the creation of a productive Jewish society was necessary to "hasten" the arrival of the Messiah. The passivists believed that the resettlement of *Erez Israel* must await the Messiah, and, until that time, the Jewish community in *Erez Israel* should remain a small group of scholars, supported by charity and devoting their lives to the study of the Torah.

57 Compare A. M. Luncz, *Yerushalayim*, vol. I p. 42; Frankl *Yerushalaima* p. 221. See also Hyamson I, pp. 5-6.



*gold and silver smiths - there are, but they are not experts; . . . jewellers, money changers. . . .*"<sup>58</sup>

Bergman, noting that Jerusalem was a city of scholarship and learning, noted that:

*"bookbinders - there isn't even one, and it is my opinion that a Jew will find in this craft a good living."*<sup>59</sup>

He also refers to people wishing to work in agriculture, and gives a description of the state of agriculture among Jews at the time:

*"only a few work in this here. . . the fields are not well tilled, are not manured. . . doubtless there is much to improve. . . but. . . ."*<sup>60</sup>

Rabbi Bergman also cautions:

*"a single European cannot. . . tend his field well in his way, but a group of 10 or 15 could easily overcome this lack. . . ."*<sup>61</sup>

To this last piece of advice, he adds a political note, which also reflects the optimism prevalent among the Jews during the period of Egyptian rule in *Erez Israel*.

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58 *Yiseu Harim Shalom*, pp. 66-70.

59 *Ibid.*

60 *Ibid.*

61 *Ibid.*

"A group like this would certainly be accepted willingly by Ibrahim Pasha, and they would get from him preferential rights."<sup>62</sup>

It appears that the craft of shoemaker was popular.

According to Rabbi Bergman:

"shoemakers - there are many, but they are not of European methods. . . a good Jewish craftsman would therefore do good business in this craft."<sup>63</sup>

Although Egyptian rule proved to be short-lived, the protection of the foreign consulates which were established in Jerusalem and elsewhere enabled European Jews to establish and develop businesses in *Erez Israel*. Thus, wrote Rabbi Bergman:

"one can do business here as much as one wishes. . . there is no need to allocate anything [i.e. there was no tariff]. . . if one can bring merchandise from Trieste, one can obtain a good profit. . ."<sup>64</sup>

Rabbi Bergman also described the importation of merchandise, including mirrors and buttons,<sup>65</sup> as well as the export of barrels of *Erez Israel* earth abroad for use in burials.<sup>66</sup>

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62 Ibid.

63 Ibid.

64 Ibid. p. 58.

65 Ibid. pp. 110 and 115.

66 Ibid. pp. 111, 114 and 125. Compare also A. M. Luncz, *Yerushalayim*, vol. 1 p. 42.

As time passed, trade became more diversified. In 1878, for example, a *responsum* refers to two brothers who were given various properties by their father amongst which was "a shop [which sold] paints."<sup>67</sup>

Teaching was a way for the more erudite members of the community to make a living, but the supply of teachers sometimes outstripped the demand. In 1872, Ashkenazi teachers put pressure on Sephardi schools not to accept Ashkenazi children, for by accepting such children, the livelihood of the Ashkenazi teachers was affected.<sup>68</sup>

Some teachers taught small, private classes in their own residences. This, however, posed a problem: the houses were built very close to one another, and neighbours frequently objected to the noise from the schoolrooms. In the *Responsa* work *She'erit Yaakov*, a Rabbi Bibas is asked to rule about a teacher who used the *hazer* in which he lived to hold classes, much to the disturbance of his neighbour. The neighbour asked whether he was able to prevent such classes from being held in the *hazer*. The Rabbi did not consider the disturbance particularly onerous. Teaching, he ruled, was not the same

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67 *Sefer Yismah Lev*, Shalom Moshe Hai Gagin, 1878, p. 21a Section 5.

68 *Kol Nehi mi-Zion*, Schlesinger, (Jerusalem, 1872), p. 1a.

"as some other trade in which there is a lot of coming and going ... "69

Many people made their living working for other ethnic groups, particularly in the city of Jerusalem, where some of the economic power was in Christian hands. As the missionary threat, described in detail in Chapter 2, and the anti-missionary fervour rose to a high pitch, the income of some Jews was affected by the demands of some of the more extreme anti-missionary groups, who demanded a boycott of all Christian groups, even those not connected with missionary activities. In a *responsum* by Rabbi Joseph Schwarz, *Sefer Divrei Joseph*,<sup>70</sup> the author is asked a question by a Shlomo Lebrecht

"who works as a binder, in the printing press of the Greek cloisters [i.e. the press of the Greek monastery] and who received a monthly wage. . . Now that all his household has fallen ill. . . they [the Greeks] lent him, and paid him. . . 600 *grush* as an advance to be taken off afterwards from his wages. . . so that every month 100 *grush* was to be paid towards the debt. And now extremists are threatening him. . . they will force him not to work there any further."<sup>71</sup>

The question, of course, was how Lebrecht was to repay his debt if he could not continue to work at the monastery.

Rabbi Joseph Schwarz ruled that he was entitled to carry on

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69 Yaakov Bibas, *Sefer She'erit Yaakov* (Jerusalem, 1881), *Hoshen Mishpat* p. 74b.

70 Y. Schwarz, *Sefer Divrei Joseph* (Jerusalem, 1862)

71 *Ibid.* p. 114 b.

working there until he had repaid his debts. Rabbi Schwarz pointed out that this Jew received his *halukkah* from the *kolel* and would not be destitute if he left his work at the Greek monastery.<sup>72</sup>

Some immigrants to *Erez Israel* were people of financial means, and there were those who made a living out of lending their capital to the *kolelim* and to individuals,<sup>73</sup> although some rabbinical leaders disapproved of this practice. With regard to those who made their living lending money to the Arabs at interest, Rabbi Akiva Joseph Schlesinger, in his *Mul ha-Yira ve-Amud ha-Torah* wrote

"who knows if such an *aliyah* [lit. a going up - i.e. immigration - to *Erez Israel*] is really not a *yeridah* [lit. descent - an emigration.]"<sup>74</sup>

Others who came on *aliyah* agreed with Rabbi Eliezer Bergman, who refused to make a living from lending capital for interest. They sought to live in *Erez Israel* through craft, trade, and agriculture, and to lead productive lives based

"Only via the mode of [doing] business or on the produce of the land if one buys fields and vineyards."<sup>75</sup>

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72 *Divrei Joseph*, p. 122a-123a.

73 E. Rivlin, *Takkanat ha-Ezvonot*, Askarah 5, Jerusalem, 1936, p. 607.

74 Akiva Joseph Schlesinger, *Mul ha-Yira ve-Amud ha-Torah* (Jerusalem 1879), p. 8b.

75 *Iggrot ha-Pekidim ve-ha-Amarkalim*, Yad Ben Zvi Institute, manuscript volume 5, p. 141/1.

Bergman and his supporters believed that it was acceptable to make a living only through productive labour which contributed to the development of *Erez Israel*.<sup>76</sup>

Those who lent money were not necessarily new immigrants. Rabbi Gagín in his *Responsa Hukkei Hayyim* referred to a resident of Safed:

"his name was Shabtai Bahar Josef ... who lent to the ... villagers with interest and [in return] obtained from them milk and honey, cattle and fruit of the earth, and he grew up in the city [of Safed] since he was little and this was his father's trade [too]."<sup>77</sup>

The lending of money at interest to fellow Jews was forbidden according to *halakhah*. One of the ways that businessmen and others raised capital was to use a type of "lease-back" system. *Hukkei Hayyim* described the way this worked:

"Reuven buys, from Shimon, Shimon's house in the Holy City of Safed for so many *grush* ... This is a sale legally and halakhically and does not leave Shimon any right of ownership ... [in the house] after the payment of the purchase price ... Reuven [then] re-

76 It should be noted, though, that from early days it was common for Jews with capital to lend even to the churches and the monasteries in Jerusalem. The text of a loan bill from 1817 describing a loan to the Armenian Church, see Haskell on "*Halva'ot Kesafim ve-Ribit la-Minzarim be-Yerushalayim*" in *Teudot be-Yerushalayim ba-Me'ot ha-Yud Het ve-ha-Yud Tet*, Jerusalem, 1948, pp. 76-77, 77-78.

77 Rabbi Abraham Gagín, *Responsa Hukkei Hayyim* (Jerusalem, 1843), p. 28a Section 16.

hires his house from Shimon in the form of a complete[ly legally binding] rental for such and such [rent] for a period of twelve months.... Furthermore [there is a contract] that Shimon, the aforementioned seller, undertakes that, twelve months from the date of [the sale] he would be obligated to go and buy [the house] back from [Reuven] for the sum of the original purchase, quite apart from the rental payment that would be paid up to that date. This obligation would stand even if the property would no longer be worth the [original purchase price] of the property."<sup>78</sup>

This allowed the "seller" to borrow money from the "buyer" against the security of the "seller"'s house. The rent that he paid to the "buyer" while the "buyer" owned the house was, in effect, the interest on the loan. This fictional sale was perfectly legal, and was done in strict accordance with the law.<sup>79</sup>

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<sup>78</sup> *Hukkei Hayyim* (1843), p. 45b Section 25.

<sup>79</sup> Rabbi Moshe Pardo, in his *responsa* work, *Shemo Moshe*, also described the "lease-back" system of avoiding the prohibition on interest payments.

"Behold, in order to permit interest, utilizing the sale of land wherein one sells to the other and the first returns and hires it from him - the same land - and afterwards one makes a [document] . . . that after so many days, he would sell it to no one else other than the seller himself for the same amount of money for which the purchaser had bought it, apart from the rental which would cost [whatever what was decided between the parties]. And the other way around, also that the seller is obligated to purchase from him [the purchaser]."

Moshe Pardo, *Shemo Moshe* (Izmir, 1874) p. 89b. It should be noted that Rabbi Pardo expressed doubts about the legality of this practice (*Ibid.*).

Although clever, this method of avoiding the prohibition against interest could cause difficulties when the lender of the money (the so called "purchaser" who leased the property to the "seller") came to regain his capital by insisting that the initial seller now "re-buy" the "collateral". For example, the transaction described above become complicated when the house in question collapsed during the 1837 earthquake in Safed. The initial seller (borrower), Shimon, simply refused to buy back the rubble.<sup>80</sup> Shimon, reneging on the agreement, attempted to strand Reuven with the financial loss, stating that as the ownership had legally transferred to Reuven, and as the house was now unexpectedly a complete ruin, Reuven was freed of his contractual obligation to re-purchase the house. This attempt to escape responsibility was not viewed favourably by Rabbi Gagin, who refused to accept Reuven's argument. Rabbi Gagin ruled that

"without any doubt the seller [Shimon] has to return the payments that he got and the rental and he can take the land and the ruins and this is completely clear in my humble opinion."<sup>81</sup>

A similar "lease-back" arrangement is described in the *Responsa* work *Sha'arei Rahamim*, written by Rabbi Rahamim Franco of Hebron. This agreement specified interest rates of no less than fourteen and no more than fifteen per cent of the purchase price, to be paid in the form of rent to

80 *Hukkei Hayyim* (1843), p. 45b Section 25.

81 *Ibid.* p. 46a, Section 25. (My emphasis - C.K.)



Shimon, the "buyer".<sup>82</sup> The *responsum* states quite clearly that this was done in order to circumvent the rules against lending at interest:

". . .as is customary in order to permit the interest".<sup>83</sup>

In this case, Reuven, the "seller", was apparently in dire financial straits, and with Shimon's permission he borrowed a further sum from Levi. In order to circumvent the interest rules, the house was sold as collateral a *second* time to Levi in the same manner that it had been sold to Shimon. This second "sale" took place with Shimon's full knowledge and consent. Unfortunately, Reuven eventually proved unable to repay either "loan". Both Shimon and Levy wanted to realize their security - the house. The question before Rabbi Franco was: which creditor had the better claim to the house?<sup>84</sup>

Merchants also financed themselves by the common practice of obtaining goods on credit.<sup>85</sup> There were other ways of raising capital.<sup>86</sup> It was common for people to pawn or

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82 Rabbi Rahamim Franco, *Sha'arei Rahamim* (Jerusalem 1881), *Hoshen Mishpat* p. 15b Section 9. All names are fictitious, as was usually done in order to protect the privacy of the people involved.

83 *Ibid.*

84 *Sha'arei Rahamim* Jerusalem 1881 p. 17 Section 9.

85 *Sha'arei Rahamim* Jerusalem 1881 *Hoshen Mishpat* p. 59 Section 39.

86 There were a few small banks, such as Valero's bank and Spilter's, but their main business was the purchase at a discount of the cheques and promissory notes sent to Jerusalem by the *Pekidim ve-Amarkalim*. See Gat, p. 41.

pledge their valuables for money, and businessmen frequently borrowed money from Arabs, at interest, in this fashion.<sup>87</sup> Pawned goods ended up in the marketplace if debts were not paid, of course, but buying these items was a risky proposition, particularly if the valuables were diamonds or other jewelry. There were few available experts in the diamond and jewelry business, and there were cases of fraud. Below is a typical example:

"Dina put out for sale some jewels ... and Reuven bought them for a certain sum, and it happened that there was a visitor in the city, and Reuven sold these to the visitor on the day he had bought them from Dina and the visitor went to Damascus and showed them there to the experts who pronounced them to be glass."<sup>88</sup>

The guest proceeded to return the "jewels" to Reuven who returned them to Dina. Dina claimed that she had had them for many years and that she had been given them as security, probably for a sum of money she had given the original owner. She accused Reuven of not checking them properly and he responded that there were no experts who could tell whether the stones were good or not in the city.<sup>89</sup>

Ashkenazim apparently faced greater difficulties achieving economic independence than did Sephardim. At the time of the revival of the Ashkenazi community, Rabbi Hayyim Katz

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87 *Hukkei Hayyim*, p. 960, Section 44.

88 *Ibid.* p. 93b, Section 43.

89 *Ibid.*

mentioned the difficulty in earning a living,<sup>90</sup> and said that this was a particular problem among the Ashkenazim<sup>91</sup> because they did not speak the local language.<sup>92</sup>

Rabbi Katz relates that

"he who can make a living. . . from the capital of his money abroad can dwell here in calmness and quiet and have the best of both worlds."<sup>93</sup>

There was some overseas trade. Both exports and imports increased towards the end of the century. A *responsum* referred to wine imported to Jerusalem from Izmir:

90 A. Ya'ari, *Shelihuto shel Rabbi Israel mi-Shklov, Sinai Yarhon Dati-Leumi le-Torah, le-Mada, u-le-Sifrut*; Rabbi Judah Leib Fishman [ed.], 3rd Year No. 1-2 (Jerusalem, 1939) p. 63.

91 Earlier in the epistle, Rabbi Katz states that the people who have come to the land of Israel have come seeking spiritual perfection and to be students in the *bet midrash*, and that these have come "with empty hands" economically. [ibid p. 62] It is evident from these descriptions that the *Perushi* community, arriving in Safed in 1808, did so relying mostly on Divine assistance. That there was little economic planning is evidenced by Rabbi Israel of Shklov's hasty and unexpected appointment to become the *Shadar* of the community, and his immediate dispatch abroad shortly after his own arrival.

92 Ibid.

93 Ibid. This was a common means of support throughout the century, particularly for elderly Jews. *Yismah Lev* referred to Jews who came from abroad to live in Jerusalem and left their capital in the hands of trustees abroad, who were in charge of sending them the fruits obtained therefrom, (see *Pote'ah ha-Lev* back section index of *Yismah Lev* Section 1.) See also *Hukkei Hayyim* p. 80, section 40, which described members of communities abroad who emigrated to *Erez Israel* in their old age, leaving the family business in the hands of the younger generation while supporting themselves from the business' profits, which were partially remitted to Jerusalem.

"Regarding the 14 barrels of kosher wine that have been sent from the City of Tora Izmir to here the Holy City of Jerusalem ... their seals have been damaged as a result of the transportation ... because they have been rolled ... from the entrance of the city until they were brought to the shops... [they were] rolled upon the broken paving stones of the market place."<sup>94</sup>

It was feared that the wine might not be considered kosher after the seals had been broken, but the *bet din* eventually decided to permit its sale.<sup>95</sup>

Apparently there was regular trade with *Na Amon* - Alexandria.<sup>96</sup> This trade route, however, could be very hazardous. Two Jews who boarded a ship in Jaffa in 1833 were robbed and murdered on their way to Alexandria. Testimony regarding their deaths was given in Jaffa.

"Regarding Judah Hacohen. . . who had left the city of Jerusalem with two Jews to go to Jaffa and from there to Alexandria, when they arrived in Jaffa, they hired a ship with a Gentile to go to Alexandria. A few days into the voyage. . . a band of pirates rose and killed all of the non-Jews. . . and Jews."<sup>97</sup>

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94 Rabbi Shlomo Hayyim Gagín, *Yismah Lev* (Jerusalem, 1878), p. 23d Section 8.

95 *Ibid.*

96 *Sha'arei Rahamim* (Jerusalem, 1881), p. 33 section 29.

97 *Responsa Hukkei Hayyim*, Rabbi Abraham Hayyim Gagín, 1843, section 10/19.

The testimony was needed to in order certify the deaths of the two Jews, probably to enable their wives to remarry.

All travel by sea was somewhat dangerous. In 1851, a David Shoshana gave testimony about a resident of Jaffa, Abraham Angel, who had left Jaffa in 1849 by ship en route to Beirut in connection with his business. On the way, the ship ran aground near Atlit. The people of Atlit were well known pirates in those days and considered that shore to be their particular province; they therefore proceeded to rob the travellers and to murder the Jew.<sup>98</sup>

"We, the undersigned *bet din*, [confirm] that it has come before Rabbi David Shoshana. . . who has given full testimony, and these are his words:

"I was standing next to the Shabad ibn Rufa. Ayyad and Selim were standing and asking the brother of the captain of the ship that was broken up if. . . Abraham Angel was in it and how did such a thing happen to the ship, and where was she broken up, and they asked who died, and one of the Gentiles asked 'and what happened to Abraham Angel?' and they responded 'Abraham Angel died.' And I was behind them and I heard these things spoken by the Gentile, the brother of the ship's captain.'

"All this was stated before us. All this was stated before us by Rabbi David Shoshana in the Holy City of Jaffa.

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98 The son of the murdered Jew, Isaac Angel, wrote about this incident in a letter to Montefiore dated October 7, 1849. See Institute for Facsimile of Hebrew Manuscripts, No. 6193.

Signed. . . Judah Halevy, Masoud ben  
Yaluz, Shalom Betito."<sup>99</sup>

Rabbi Franco describes the case of an *agunah* whose husband had boarded a small ship eight years previously and

"nothing had been heard of this ship or  
the people in it since that time."<sup>100</sup>

Trade, both international and within *Erez Israel*, depended on reliable communications. In later years, the telegraph service became a means of swift communications. At one point, Rabbi Shalom Hayyim Gagin was requested to decide whether the telegraph could be used to complete the purchase of a house of behalf of a Jew who lived abroad and wished to buy a house in Jerusalem. The request presented to Gagin was that he permit the representative of the potential purchaser to use the telegraph on the Sabbath in order to close the transaction in a case where the option to buy was open for a few days only.<sup>101</sup> Rabbi Gagin did permit this.

By 1856, the Russians had established a properly organized postal service was available from

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99 This testimony was quoted in the *Responsa Benei Binyamin ve-Karev Ish* of Rabbi Benjamin Mordehai Navon (Jerusalem, 1881), p. 8, section 13 and 14.

100 *Sha'arei Rahamim, Even ha-Ezer*, (Jerusalem, 1881), p. 13a, Section 6. This *agunah* came to live in Jerusalem and secretly became engaged to a young man. The rabbinic authorities hearing about this prevented the marriage and demanded that her 'fiance' give her a *get*. [Ibid.]

101 *Yismah Lev*, p. 8b Section 8.

"here the Holy City of Jerusalem ... to  
the port of Jaffa, every Sunday night  
... the runner leaves in early evening  
with the letters and the parcels ...  
"102

By 1875 the postal service had become so dependable that, in a *responsa* from that year by Rabbi Aharon Azryel,<sup>103</sup> the possibility of sending a *get* by post is mentioned.<sup>104</sup>

Improved communications, and particularly modern transportation, raised other halakhic problems. The Beirut Jewish community asked Rabbi Jacob Saul Elyashar to decide whether or not a Jew could ride a train on the Sabbath. It was thought that, since the passenger played no role in the driving or directing of the train, the prohibitions against vehicular travel on the Sabbath might not apply. Rabbi Elyashar declared rail transportation on the Sabbath forbidden, a ruling that was obviously meant to apply to the rail system of *Erez Israel* as well.<sup>105</sup>

The Jewish community levied its own taxes on trade and other activities. In 1819, a new tax was imposed within the

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102 Shalom Hayyim Gagín, *Responsa Yismah Lev* p. 5b Section 5. Compare *Gat* p. 59; Eliav, *Erez Israel*, pp. 243-246

103 A. Azryel, *Kapei Aharon* (Jerusalem, 1886), Section 2.

104 *Sefer Kapei Aharon*, (Jerusalem, 1886), p. 72b. *Gittin* Sub-section 4. Rabbi Kahanov also described how the arrival of the post, with promise of money from abroad caused great excitement. See *Sha'alu Shelom Yerushalayim*, p. 68

105 *Responsa Avlat Ish, Orah Hayyim*, (Jerusalem, 1899), p. 10a, Section 7.

Jewish community (it was named *gabella*, as were the taxes on wine and meat). This new tax applied to

"All who bring merchandise from abroad to the Holy City of Jerusalem. . . all who send merchandise from here in the Holy City abroad."<sup>106</sup>

This included those who imported goods from abroad to Jerusalem but sold them outside the city.<sup>107</sup> This is an indication of the growth of business in *Erez Israel* during this period.

Another tax was imposed on travel out of Jerusalem:

"He who goes to Jaffa. . . in order to travel by sea or to Nablus, or to Hebron to visit, has to pay the *kolel*."<sup>108</sup>

There were other levies. A *haskamah* from 1801 discussed a tax on emigration:

"All who want to move from Jerusalem have to pay six percent of all their assets in *Erez Israel* and abroad. . . he oath he would pay the aforementioned sum.<sup>109</sup> or his oath he would pay the aforementioned sum."<sup>109</sup>

This was based on the notion that leaving Jerusalem caused a loss to the *kolel* of the city, since a Jew who stayed would

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106 *Sefer ha-Takkanot ve-ha-Haskamot ve-Minhagim Poh Ir ha-Kodesh Yerushalayim* (Jerusalem, 1883), p. 37.

107 *Ibid.*

108 *Ibid.* p. 44.

109 *Ibid.* p. 83.



pay taxes throughout his life, and after his death the *kolel* could inherit some or all of his estate. Taxation was not regarded as a payment for services rendered, rather, it was regarded as payment which the *kolel* would use to reduce its debts.

Some people were exempt from both Jewish community taxes and government taxes. For example, Sephardi scholars were exempt from the taxation that applied to the general Sephardi community, and were even exempt from the poll-tax, the *cizye*.<sup>110</sup> It seems that the financial status of the scholar had no bearing on eligibility for this exemption. Rabbi Gagin in his *responsa* ruled that the sole criterion for exemption was the scholarly status of the person, and if he was a person of independent means, perhaps even wealthy, he was still exempt from taxation.<sup>111</sup>

The rabbis exercised considerable economic authority. Rabbi Moshe Pardo, in his *Responsa Shemo Moshe*, described how a certain person came to live in Jerusalem. This person had a very particular craft [the *responsa* is unclear as to this skill] and he applied to the *Bet Din Zedek* to issue an order that he would be the only one practicing this craft in the city of Jerusalem. He did in fact obtain such an order.<sup>112</sup>

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<sup>110</sup> *Hukkei Hayyim* (1843), p. 56b-57a. This was not a government exemption: the Sephardi community paid the *cizye* on behalf of those who were deemed exempt.

<sup>111</sup> *Ibid.*

<sup>112</sup> *Shemo Moshe*, p. 119b.

The rabbis acted at times to support fair competition. An early *takkanah* against nepotism,<sup>113</sup> with the *haskamah* of the rabbis of the Holy City of Jerusalem, stated that:

"we have a tradition that there is an ancient *haskamah* made here in the Holy City of Jerusalem by the rabbis. . . that there shall not be. . . any *hazakah* or right with regards to public appointments, but that everything will be according to the decisions of the *dayyanim* and the rabbis of that time. . ."<sup>114</sup>

Nevertheless, we have records of communal or ritual positions (such as cantors) that were passed from father to son.<sup>115</sup> *Haskamot* to prevent this were evidently not effective for long. Over the years, the situation regressed, so that:

"any who served in the public service held this as a fortress. . . for himself and his children afterwards."<sup>116</sup>

The rabbis reaffirmed the *takkanah* in an effort to curb such nepotism:

"we have gathered together and agreed to renew the ancient *haskamah*. . . and we hereby decree. . . that there shall be no *hazakah* here in the Holy City of Jerusalem in any public matter, but that everything will be within the patronage of the holy rabbis and the *dayyanim* of

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113 *Responsa Mayyim She'al* of Rabbi Moshe Mordehai Joseph ben Rabbi Raphael Meyuhas, (Salonika, 1800).

114 *Ibid.* p. 52b.

115 See J. S. Elyasher, *Yissa Ish*, (Jerusalem, 1896), p. 83.

116 *Ibid.*

the period. . . to do whatever is right in their eyes."<sup>117</sup>

This *takkanah* evidently only applied to posts which fell under rabbinical jurisdiction. The author of the above *responsa*<sup>118</sup> referred to a

"certain Jacob who has an office in a certain matter relating to the affairs of his majesty, the king, and this office was inherited by this Jacob from his father-in-law, who had a *hazakah* on this service."

The *responsa* described an argument between two of the children of that Jacob, but as this was a government appointment, the rabbis decided that it did not come within the scope of the rabbinical ban.<sup>119</sup>

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117 Ibid. It should be noted that the fourth signature on this document was Rabbi Isaac Covo, who was later to become the *Rishon le-Zion*.

118 Ibid. p. 49b.

119 Ibid.

**SECTION III: THE SOCIAL STRUGGLE**

Chapter VII: Intra-Communal Tensions

Chapter VIII: Jews and Gentiles

Chapter IX: Social and Living Conditions

Chapter X: Sephardim and Ashkenazim

**CHAPTER VII**  
**INTRA-COMMUNAL TENSIONS**

The tension between Ashkenazim and Sephardim is described below in Chapter 10. Similarly, intra-communal conflicts aroused by the *halukkah* system are described in Ch. 4.

However, communal controversy was not limited to financial matters. Appointments to communal posts - and the politics underlying such appointments - provided fertile soil for dissension. One such example of public controversy in Erez Israel concerned the resignation of the Sephardi Chief Rabbi of Hebron, Elijah Suleiman Mani. This came about as a result of a dispute between Mani and the influential businessman Hayyim Israel (also known as Mirkado) Romano who left Constantinople to live in Hebron. Like many of these communal arguments, the exact reasons for the dispute are not completely clear. They seem to revolve around questions regarding *shadarim* and *halukkah*. As a result of these arguments, the community demanded of Mani to appoint a standing committee who would be answerable to in administrative matters. When the *Rishon le-Zion* (Abraham Ashkenazi) supported this demand for a committee (*va'ad*), Mani resigned. Rahamim Franco was appointed by Ashkenazi in his stead. The Hebron community divided; the echoes of the argument reached the Diaspora and the flow of donations ceased.

A book printed in 1879 entitled *Minhat Kana'ut*<sup>1</sup> was written in defence of Rabbi Mani, and was signed by 118 scholars and rabbis of Jerusalem and Hebron. It was a

"*kunteres* including all the sayings of the wise men and rabbis and great men and worthies of the Holy Cities of Jerusalem and Hebron. . . who came out to save the great rabbi. . . Elijah Suleiman Mani. . . of the Holy City of Hebron. . . where evil people have come upon him to remove him from his throne, and his position they would place on the shoulders of another man [Rabbi Rahamim Joseph Franco], for whom this role would be inappropriate."<sup>2</sup>

In the same year, another manifesto, *Dim'at Ashukim*,<sup>3</sup> was issued by Rabbi Shalom Hai Gagin. This 55-page tract denounced Rabbi Abraham Hayyim Penso as well as *Minhat Kana'ut*, which had praised on Rabbi Mani and had supported his continuation as Chief Rabbi of Hebron. This counter-manifesto, which sought his removal, claimed that

"from the day he had put on his head the crown of the rabbinate, he has humiliated us unto the earth."<sup>4</sup>

At the end of the book was the following *haskamah*:

"for 14 years we have suffered contempt from Rabbi Elijah Mani as he served on the seat of the rabbinate in the city of. . . Hebron. . . and in this year

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1 Rabbi Abraham Hayyim Penso, *Minhat Kana'ut*, (Jerusalem, 1879).

2 Ibid. p. 1.

3 Rabbi Moshe Hai Gagin, *Dim'at Ashukim*, (Jerusalem, 1879).

4 Ibid. p. 13.





[our] troubles have been multiplied. . .  
and the fire of conflict has risen. . .  
and he has done all this in order that  
he would be returned to his rabbinical  
position after he had abdicated from his  
rabbinical position and also [after he]  
swore. . . that he should not stir up  
quarrel and dispute. He he has been  
found to be with many negative  
attributes. . . [and] therefore we have  
agreed. . . that Rabbi Elijah Mani. . .  
will not have. . . any appointment or  
power at all in the Holy City of Hebron.  
. . ."<sup>5</sup>

This was signed by 62 inhabitants of Hebron and was supported by the *haskamot* of some of the rabbis of Jerusalem, including Rabbi Abraham Ashkenazi, Rabbi Moses Pardo, Rabbi Jacob Saul Elyashar, Rabbi Raphael Meir Panigel, Rabbi Akiva Joseph Schlesinger and others. In 1881, a compromise was reached. Mani was restored to his position as rabbi and the administrative *va'ad* was established.<sup>6</sup>

A popular weapon in internal disputes was the act of excommunication - the *herem*. Typically, the beginning of political and ideological disputes was marked by the pronouncement of *herem* - excommunication - on the rival party. A *herem* had enormously unpleasant implications and was difficult to remove. For example, in a book called

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5 Ibid. pp. 54-55.

6 See Hyamson, II, pp. 409-410, wherein Noel Temple Moore describes the quarrel to Sir A.H. Layard. See Gat, p. 178-9; also Eliav, *Erez Israel*, p. 183.

*Kunteres Emek ha-Berakhah*, printed in Jerusalem in 1881<sup>7</sup> and written by Rabbi David Freedman, there was a discussion over how this *herem* was placed by one group of rabbis and annulled by another. The *responsum* of the author refers to the *bet midrash*, founded by Yehiel Michael Pines,<sup>8</sup> in one of the suburbs of Jerusalem:

"A few of the scholars of Jerusalem from the Ashkenazi community joined up against him [for some ideological reason],<sup>9</sup> and it was (put under) excommunication so that none would come into the [*Bet Midrash*] for any. . . reason."<sup>10</sup>

Although it should be noted that he was a devoutly Orthodox Jew, his ideas proved too progressive and liberal for Rabbi Joshua Leib Diskin and his followers. Ired by Pines' activities, especially in the field of education, Diskin placed a *herem* on his *bet midrash*.<sup>11</sup> However, Rabbi Samuel Salant, together with ten of his most scholarly and distinguished students, annulled the *herem* and permitted the use of Pines' *bet midrash*. The text of the reversal of the

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7 Rabbi David Freedman, *Kunteres Emek ha-Berakhah*, (Jerusalem, 1881), p. 8.

8 Yehiel Michael (Michael) Pines (1843-1913), rabbi, *Yishuv* leader and early proponent of religious Zionism who came to *Erez Israel* from Belorussia in 1877 as the representative of the Moses Montefiore Testimonial Fund.

9 This faction was headed by Rabbi Moses Joshua Judah Leib Diskin.

10 Rabbi David Freedman, *Kunteres Emek ha-Berakhah*, (Jerusalem, 1881), p. 8.

11 See Gat, p. 79; G. Bat Yehuda, *Rabbi Yehiel Michael Pines*, (Jerusalem, 1944), p. 36.





*herem* was published by Pines as *Luhot ha-Edut* in 1882<sup>12</sup> and was signed by Rabbi Samuel Salant, Rabbi Abraham Eisenstein, who was the head of the committee of the Ashkenazi *kolelim*, and the eminent Rabbi Moses Nehemia Kahanov.

Interestingly, the Sephardi leader, Jacob Saul Elyashar, added an opinion as a postscript to this *heter* affirming that he and the *Rishon le-Zion* permitted the prayers in the disputed *bet midrash*. The *heter* refers to

"the . . . interdict that was proclaimed forbidding prayers and study in the *Bet Midrash*. . . and any other use thereof. According to the rumor, the *issur* was proclaimed at a gathering of a few *talmidei hakhamim* and with the agreement of the great rabbi, Rabbi Joshua Leib Diskin."<sup>13</sup>

The *heter* expressed disapproval of the Diskin *herem* and stated that usually

"it is known that a *Bet Din* cannot cancel the words of its collegial *Bet Din*."<sup>14</sup>

However, because of the uproar abroad caused by the arbitrary excommunication of Pines by the extremists and because of the disapproval of some of the rabbis, "the great of our generation":

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12 Y.M. Pines, *Luhot ha-Edut*, (Jerusalem, 1882). An extremely rare pamphlet, found in the Israel Bak archives in Jerusalem.

13 Ibid. p. 16.

14 Ibid.



"therefore we have gathered together ten *talmidei hakhamim* and we undo that which is at present under *herem* . . . every person is hereby permitted to pray, study and go into the *bet midrash*. . "15

In his postscript, Rabbi Elyashar stated, among other things,

"as the *heter* has been issued by the greatest of the rabbis of the Ashkenazim and as His Honour the *Rishon le-Zion*, the great rabbi Raphael Meir Panigel has also agreed to the revoking of this *issur*, therefore I too, . . . agree to the undoing of that *issur*. . . Signed, the *Yissa Berakhah*."16

In *Luhot ha-Edut*, Rabbi Pines offered his own defence against the *herem* and mentioned interchanges between his rabbinic supporters, such as Rabbi Salant and others, and several rabbis abroad. He argued against Rabbi Diskin, reasons for placing the *herem*. One of the letters quoted by Pines was written by Rabbi Samuel Salant to Rabbi Joshua Leib Diskin, asking for his retroactive agreement to the annulment of this *herem*:

"we . . . wish to draw the attention of your pure heart and [to ask you] to repent of the *issur* that was enacted on the 7th of Tevet this year forbidding prayers and learning in the *bet midrash* founded by. . . Rabbi Yehiel Michael

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15 Ibid.

16 The name *Yissa Berakhah* (lit. may he bring a blessing) was commonly applied to Rabbi J. S. Elyashar. The name is made of *Yissa* - an acronym of his name to which is appended the word *berakhah*.

Pines. . . this matter is a transgression of the Holy Name and a severe violation of the honour of Jerusalem and the honour of its sages in a most serious manner. . . the *issur* ought to be cancelled. . . and we have jointly agreed [to issue] this *heter* with the ten distinguished *talmidei hakhamim*. . . and for the honour of your Torah eminence. . . we have decided to inform you about this and to request from you . . . that you should agree to the *heter*."<sup>17</sup>

It is signed Samuel Salant, Moses Nehemia Kahanov and others. It is obvious that the letter was written more as a courtesy; there was little hope of changing Diskin's position. Indeed, on the very same day, the messengers returned to Rabbi Samuel Salant and his colleagues stating that Rabbi Diskin did not agree to cancel the *herem*.<sup>18</sup>

The *herem* on Pines is but one example of how, in the intellectual pressure cooker of the relatively small Jewish community, there were repeated ideological conflicts which were generally devoid of physical violence. However, fairly strong language was used at times. An example of this was a pamphlet printed in 1863,<sup>19</sup> which reflected one of the local disputes which raged for several years in Jerusalem.

This pamphlet, *Kunteres Emet u-Mishpat*, was directed against Rabbi Shaul Binyamin Hacohen Kareliz, of Radishkevitz, who

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<sup>17</sup> *Luhot ha-Edut*, p. 22.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Kunteres Emet u-Mishpat*, (Jerusalem, 1863).

was involved in buying a courtyard for the *yeshivah*, *Ez Hayyim*. Kareliz was appointed administrator of the *yeshivah* in 1838. He instituted various administrative reforms and enlarged the *yeshivah* and its institutions. To cover the costs, he and a Menahem Mendel Yerushalaimski established a lottery under the aegis of the Prussian consul. The leaders of the Jewish community, who were opposed to independent action of this sort ordered the entrepreneurs to cease and to deposit the lottery tickets with them. Kareliz refused. The controversy spread, *haramot* were declared and the community became divided. For example, the *Rishon le-Zion* supported Kareliz, but the Perushi community was against him.<sup>20</sup> The *kunteres*, which consisted of twenty-two pages, began by publicizing a judgement given against the Radishkevitzer group. The ruling quoted in the *kunteres* had been given by, among others, Rabbi Meir Auerbach, Rabbi Joseph Sundel of Salant and other important Ashkenazi figures. It is interesting to note the levels to which some of these internal community disputes descended. The judgement had placed a *herem* on a Shmuel Menahem Mendel Yerushalaimski and the writers of the *kunteres* engaged in an unrestrained attack on Yerushalaimski. Among other things, the *kunteres* says:

"it is easier to stop a flow of vicious water than stop that prince of beasts,  
 . . . Menahem Mendel."<sup>21</sup>

20 See Eliav, *Erez*, p. 162-3; Gat, pp. 78-79.

21 *Kunteres Emet u-Mishpat*, (Jerusalem, 1863), p. 4.



Interestingly, the *kunteres* related that a popular method of propagating a point of view in an ideological and intellectual battle for public support was the use of posters which were pasted onto the doorways of dwelling houses and *battei midrash*. This could, therefore, be considered the root of the venerable Jerusalem custom of disputation via wall posters<sup>22</sup> which is still extant among present-day members of the Old Yishuv community. The other popular method was to gather before the Western Wall, blow the *shofar* and pronounce a *herem*.<sup>23</sup>

In 1864 a response appeared to *Kunteres Emet u-Mishpat* in the form of a four-page treatise entitled *Kunteres Divrei Emet*.<sup>24</sup> This new treatise - a defence of Rabbi Shaul Binyamin Kareliz of Radishkevitz - was published on a rival printing press and was specifically aimed against *Kunteres Emet u-Mishpat*. The author was said<sup>25</sup> to be the *Rishon le-Zion*, Rabbi Hayyim David Hazzan, and its tone was more one of righteous sorrow than the depths of bitterness plumbed by the *Kunteres Emet u-Mishpat*.

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22 See Binyamin Kluger, *Min-ha-Makor - Ha-Yishuv ha-Yashan al Luah ha-Moda'ot*, (Jerusalem, 1976). In this five-volume compendium, Kluger reproduces hundreds of original posters and leaflets published in the last century.

23 In contrast to the "poster wars" mentioned above, this is very rare in Jerusalem today.

24 *Kunteres Divrei Emet*, (authorship uncertain), (Jerusalem, 1864).

25 See *Ha-Maggid*, 1864, p. 332

Over the following year, this dispute prompted four other volumes and pamphlets. One was *Sefer Dim'at ha-Ashukim*,<sup>26</sup> a booklet which referred to *Kunteres Emet u-Mishpat*. It claimed that the work contained neither *emet* (truth) nor *mishpat* (justice), and that all who read it would see where truth and justice resided. This booklet was produced and written by Rabbi Shmuel Shlomo Boyarski of *Kolel Grodno*, and from its pages one can discern a new and popular weapon used by parties to this sort of dispute in the Jerusalem community. Rabbi Boyarski referred, with much seriousness and heavy disapproval, to the fact that a "poem full of all kinds of buffoonery and insults" was published and "was distributed in the streets of Jerusalem" attacking Rabbi Menahem Mendel Yerushalaimski, who was a party to the Radishkevitz dispute.<sup>27</sup>

The book of verse referred to so disdainfully by Rabbi Boyarski in *Dim'at ha-Ashukim* was, in fact, published in the same year, and was called *Gilat Zion*.<sup>28</sup> It was indeed full of insults, ditties and jests at the expense of Rabbi Menahem Mendel Yerushalaimski.

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26 Rabbi Shmuel Shlomo Boyarski, *Sefer Dima't ha-Ashukim*, (Jerusalem, 1864), (not to be confused with *Dima't ha-Ashukim* written by Rabbi Gagin in 1879.)

27 Ibid. p. 1b.

28 *Gilat Zion*, (Jerusalem, 1864.) Although the authorship of this book of ditties is ascribed by Yerushalaimski's supporters to the authors of *Kunteres Divrei Emet*, this is highly doubtful.

*Sefer Dim'at ha-Ashukim* throws light on other propaganda methods used by both sides:

"The opposition. . . hath printed their *kunteres* [*Emet u-Mishpat*] in several hundreds in order to distribute it all over the world. . . and I have only printed a few tens. . . to sell them to important people on whom we depend. ."29

The appeal to Diaspora Jewish opinion - and, in particular, the lobbying of important rabbis throughout the world - was not a new phenomenon: Rabbi Israel of Shklov and others had appealed to rabbinic opinion abroad to support their causes at the beginning of the century. What is significant, however, about this and other referrals to Jewish leaders abroad is that they emphasise that the community in *Erez Israel*, for all its backwardness and relative isolation, was indeed a central part of the greater, more global, Jewish experience.

Another rabbinic work, written and published in 1870, was called *Kol me-Heikhal David Tohakhat Megulah*,<sup>30</sup> and referred to a *herem* placed upon Rabbi Hayyim Halberstam of Sanz<sup>31</sup>. This rare pamphlet gave the text of the *herem* that was

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29 Rabbi Shmuel Shlomo Boyarski, *Sefer Dim'at ha-Ashukim*, (Jerusalem, 1864).

30 Mordehai Aron Liebherson, et al. *Kol me-Heikhal David Tokhahat Megulah*, (Jerusalem, 1870).

31 This *herem* was placed on Rabbi Hayyim Halberstam of Sanz (1793-1876), a hasidic leader and founder of the Sanz dynasty, because of an open letter that he had issued in which he expressed reservations about the lavish lifestyle of the leader of the Sadigora hasidic dynasty.

placed on Rabbi Halberstam and described how the *herem* was placed by blowing the *shofar* at the Western Wall. It was signed by some 191 people, including several fairly minor rabbinical figures, mostly from Safed, and most of the rest unknown.

Within the context of some of these conflicts, rival rabbinical works were often banned by opposing sides. A pamphlet published in 1845 and signed by several rabbis from the Jerusalem community<sup>32</sup> attacked a work published by Rabbi Akiva Joseph Schlesinger, with whom the writers disagreed.<sup>33</sup> In the pamphlet, the writers stated categorically that the book, *Bet Yosef Hadash*, is banned<sup>34</sup> and absolutely "must be stored away and burned."<sup>35</sup>

32 *Kunteres Nituz ha-Bayit*, (Jerusalem, 1875). This is an extremely rare pamphlet. It is to be found in the archives of S.Y. Agnon. It is signed by Rabbis Isaac Prague Oplatka, Meir Auerbach and Hayyim Sonnenfeld.

33 They were not the only ones; several books had been written during the period attacking this work by Rabbi Schlesinger. See e.g. *Kunteres Shomer Israel*, (Jerusalem, 1875), written by Rabbi Eisenstein, et al.

34 I. Oplatka, et al. *Kunteres Nituz ha-Bayit*, (Jerusalem, 1875).

35 Other books printed in the same year attack Rabbi Schlesinger and his books: *Kunteres Shomer Yisrael*, printed by the Joel Moses Salomon Press in 1875; *Kunteres Nituz ha-Bayit* says "may the *Bet Yosef Hadash* be destroyed and smashed." Printed by the Joel Moses Solomon Press, 1875. The writer, A. M. Haberman, in a book called *Gevillim*, printed Tel Aviv in 5702 (1942), page 126, claims that the book was burnt in public, in the courtyard of the Hungarian Quarter, and that the writer was forced to be present. Shoshana Halevy, in *Sifrei Yerushalayim ha-Rishonim*, says (page 100) that Haberman was wrong, and that there is no hint that the book was ever burned, let alone that the writer had to be present. She says "the elders of Jerusalem, including the family of Rabbi Akiva Joseph Schlesinger

Disputes also arose as various institutions and groups jockeyed for position within the communal system. These differences were usually dealt with by the local communities in *Erez Israel*; sometimes, however, disputes between eminent rabbis and prominent *kolelim* made headlines throughout the Jewish world. This was particularly so when the parties to the dispute actively sought the support of opinion-makers and decision-makers in the Jewish world outside of *Erez Israel* as noted above.

An early publication dealing with rivalry for a communal post was published in Jerusalem in 1844. This was a manifesto signed by thirty-one Jerusalem rabbis referring to a public debate that raged in the 1840's.<sup>36</sup> Until then, the affairs of the Sephardi community were managed by an appointee called the *Pekid ha-Kolelot*, who was usually one of the most eminent rabbis in the community in Jerusalem. The *Pekid Ha-kolelot* had the responsibility for all affairs of the Sephardi community. Specifically, he was in charge of financial matters, and dealt with the various income source of the community, and its expenditure. From the

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vehemently denied the burning of the book and in fact, many copies of it exist to this very day."

36 The manifesto does not have a name, but begins with the words: "*Bat kol yozet me-Har ha-Kodesh, Yerushalayim...*" This opening sentence demonstrates that it is aimed at capturing the support of Jews abroad. The publication (Israel Bak Press, Jerusalem, 1844) is found in the archives of Dr. Israel Mehlman.

years 1837 to 1841, the post was filled by Rabbi Judah ben Raphael Navon and his assistant, the *Hakham* Avraham Bahar.

During this period, a prominent and wealthy member of the Salonika Jewish community, Isaac Russo, died in Jerusalem and his widow bought from a *kolel* a part of a courtyard which bordered on the courtyard belonging to Rabbi Hayyim Abraham Gagin. Rabbi Gagin's courtyard also housed the renowned *Yeshivat Bet El*. Russo's widow intended to use her newly acquired courtyard to establish a *yeshivah* in the name of her late husband. While the heart of the subsequent dispute was over the legacies of Jews who died in *Erez Israel* (see Chapter 10), the spark which ignited the argument was provided by Russo's widow, who demanded that a window of *Yeshivat Bet El* facing the courtyard that she had purchased be blocked up to facilitate alterations to her *hazer*. Rabbi Gagin's objections gave rise to a vociferous debate between himself and the *Pekid ha-Kolelot* which quickly spread throughout the city. The *Pekid ha-Kolelot* may have had an interest in not upsetting the Salonika community, which was an important source of funding for the Sephardi community. However, more instructive than the details of the dispute is the picture that emerges of political power plays within the Sephardi *kolel*.<sup>37</sup>

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37 See also Eliav, *Erez*, p. 146; Gat, p. 72.; A.L. Tauber, *Le-Divrei Yemei ha-Defus be-Erez Israel*, (Jerusalem, 1928), p. 9; B.Z. Dinbourg, *Me-Arkhiono shel he-Hakham Bashi Rav Hayyim Avraham Gagin*, *Zion* 1, (1926), p. 84.

As the debate reached a climax and tempers rose to fever pitch, the protagonists pronounced a *herem* on each other. Echoes of the dispute reached out beyond the borders of *Erez Israel*, provoking a debate among Jewish communities abroad. At one stage, the debate even threatened the income of the Sephardi *kolel* as Diaspora communities took sides in the dispute.

During this period of public argument, Rabbi Judah ben Raphael Navon became the Chief Rabbi of the Sephardi community, and the supporters of his rival, Rabbi Gagín, sent a special messenger to Constantinople seeking the intercession of the influential Abraham de Camondo.<sup>38</sup> De Camondo, in turn, obtained a royal *firman* from the sultan on Tishri 2, 1842, appointing Rabbi Gagín head of the rabbis of Jerusalem.<sup>39</sup> With that, Rabbi Navon was removed from his position, and Rabbi Avraham Bahar was expelled from the city.

After a long cooling-off period the disputing parties reached a rapprochement. This reconciliation was described in a manifesto, *Bat kol Yozet me-Har ha-Kodesh*<sup>40</sup> which

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38 De Camondo (1785-1873) was referred to as "the Rothschild of the East", "the great magnate", and "the great official". He exerted considerable influence in the courts of Sultans Abdul Medjid (1839-1861) and Abdul Aziz (1861-1876).

39 For the text of the *firman*, see A.M. Luncz, *Yerushalayim*, Vol. 4, pp. 202-208. See also A. Elmaliah, *Ha-Rishonim le-Zion*, (Jerusalem, 1970), pp. 193-195.

40 J.B.R. Navon, et al. and A.H. Gagín, *Bat Kol Yozet me-Har ha-Kodesh*, (Jerusalem, 1844).

declared that God had visited His people and spread over them His tabernacle of peace - "Seek the peace of Jerusalem." Among the signatories were Rabbi Navon and Rabbi Gagin.

Public disputes over the administration of funds collected from the Diaspora arose in other cities, too. A *kunteres* entitled *Shever Posh'im*,<sup>41</sup> contained a description of how the administrators of certain funds accumulated such a concentration of power that even the Rabbinical authorities had little influence over them. According to the *kunteres*, on the recommendation of Rabbi Jacob Turgeman, the Jewish community of Hebron appointed Joseph Shalom, a British citizen, originally from Baghdad, to be the administrator of the Hebron *kolelim*. Upon assuming office, Joseph Shalom, was immediately confronted with the heavy burden of debt which lay upon the *kolelim* of Hebron. He responded to this by sending emissaries abroad to collect contributions. However, years passed and "all the debts remained." As discontent and suspicion grew regarding Shalom's activities, the rabbis of Hebron demanded that he provide an accounting of the income and expenditure for which he was responsible. When Shalom failed to respond to these demands, the Hebron rabbis appealed to the rabbis of Jerusalem for assistance, and in 1861, the Jerusalem rabbis ruled that Shalom must produce a detailed financial statement. Still Shalom did

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41 Rabbi J. Papo, *Shever Posh'im*, (Jerusalem, 1862).



not respond; instead, as a British citizen, he turned for help to the British consul James Finn. Finn, an enthusiastic friend of Shalom, forbade the rabbis to place Shalom under *herem*. As a result of Finn's action on Shalom's behalf, two rabbis - Rabbi Raphael Yisrael Elyakum and Rabbi Moshe Kimchi - were jailed in Sivan, 1861. The arrest of these rabbis caused an uproar throughout *Erez Israel*.<sup>42</sup>

The enraged rabbis of both the Ashkenazim and Sephardim pronounced a joint *herem* on Joseph Shalom. The two rabbis were finally released after much effort and many representations on their behalf, but not before they had spent three months in jail. Meanwhile, the rabbis of Safed and Tiberias also joined in the protests against Joseph Shalom, and all demanded his removal from the affairs of the Hebron community. The *kunteres* in which these demands were made was signed by rabbis from the four Holy Cities of *Erez Israel*, including Rabbi David Hazzan, Rabbi Hayyim Nissim Abulafia, and others.<sup>43</sup>

42 See Appendix XIII which contains Finn's report of this case. See also Gat, p. 176.

43 Joshua Yellin, who was a relative of Joseph Shalom, described the controversy in a completely different light. In his book, *Zikhronot le-ven Yerushalayim* (Memoirs of a Son of Jerusalem), (Jerusalem, 1884), p. 42 ff) he described the Chief Rabbi, Rabbi Hayyim David Hazzan, as a "vengeful" person, whereas, Joseph Shalom was "a wise and industrious man, wealthy, eminent merchant. . . native of the city of Baghdad. . . and citizen of England. . . . The reason for the quarrel was because of the administration that the sages of Jerusalem wished that Hebron be subject to Jerusalem . . . but Joseph Shalom and his party refused to agree

As described elsewhere in this thesis, education was another source of intense conflict within the Jewish community of Erez Israel throughout the nineteenth century. The right wing in the old *Yishuv* and in Jewish communities throughout the Middle East objected to any sort of secular education. In this regard, an illuminating anecdote about this was translated into community politics is recounted in a book called *Kiryat Arba*,<sup>44</sup> which discussed various aspects of the Bible and rabbinic exegesis, and was written by a Rabbi Izhak Akrish, formerly of Constantinople. The book was graced by the *haskamah* of the *Rishon le-Zion*, Rabbi Abraham Ashkenazi.

In the preface to his book, Akrish describes how the Jewish financier and philanthropist Abraham de Camondo opened a modern Jewish school in Constantinople to which the local rabbis, lead by Rabbi Izhak Akrish, objected. This group of

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to this, and then the sages of Jerusalem arose and printed a *kunteres* in the name of *Shever Yosef* [should read *Shever Posh'im*], in which they describe Joseph Shalom as a man of deceit and an embezzler. . . but the sages of Hebron. . . printed also for their part, the *kunteres* named the *Edut le-Yehosef*." This description of Yellin's is not accurate, because in the *kunteres* *Shever Posh'im* (p. 32/2), it is printed "anyone into whose hand has reached the bitter essay (*ktav*) - *Edut le-Yehosef*." From this reference, it is obvious that the *Kunteres Shever Posh'im* is a response to the *Edut le-Yehosef*, and not vice versa. I have been unable to find the *Kunteres Edut le-Yehosef*. In the *Jewish Chronicle*, July 5, 1861, there is an important piece related to the above dispute, and on July 26, 1861 there is a report relating to the arrest of the two rabbis.

44 Izhak Akrish, *Kiryat Arba*, (Jerusalem, 1876).

rabbis fearlessly decided to make their objections public and proceeded to do so in an unusual way. The rabbis flamboyantly entered the house of the "great official" blowing a *shofar*, and proceeded to place a *herem* on de Camondo in his own home. The bodyguards of the influential and outraged de Camondo promptly arrested them, and, after a brief trial, all were released except Rabbi Akrish, who was put in irons and jailed. It took strenuous efforts by Akrish's followers to get him released, and this was achieved only through pressure applied directly on the Sultan by various people of influence. After his release, Rabbi Akrish obviously decided that it was no longer advisable to live in the shadow of de Camondo in Constantinople, and he moved to Jerusalem, where he published his book dealing, among other things, with the *herem* placed on de Camondo. As the book was being printed, relates Akrish, a telegram arrived addressed to the leaders of the Jewish community in Jerusalem, warning them that Akrish must not defame or libel "the great magnate" de Camondo. Anxious not to give offence to the powerful philanthropist, a special censor was appointed to check every page immediately after it was printed to ensure that this order was obeyed. Despite this, Akrish succeeded in inserting some pages at the end of the book which gave a variety of details regarding the *herem* placed on de Camondo.<sup>45</sup>

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45 Ibid. p. 190 ff.

**CHAPTER VIII**  
**JEWS AND GENTILES**

The Jewish community in *Erez Israel* in the nineteenth century experienced occasionally satisfactory but more often precarious relations with its neighbours. Possibly the most important aspect of Jewish-Gentile relations<sup>1</sup> concerned the question of physical security for the Jews. This was a persistent theme of Jewish life throughout the world, and *Erez Israel* was no exception. Security was a major preoccupation, and was a matter of continuing concern in the various 19th century rabbinical writings. The *Yishuv* all too frequently found itself at the mercy of Gentiles ranging from corrupt government officials to rioting peasants.

A letter written by Rabbi Hayyim Katz in 1810 indicated that security in Safed was excellent. All the residents, young and old, men and women, were able to move around without any fear. Moreover, he wrote, security was good even beyond the city walls. In the same letter, Rabbi Katz discussed the writings of the great halakhic authority, Rabbi Elijah, the Gaon of Vilna, who had described two problems that deterred Jews from settling in the Holy Land. The first was the physical risk presented by the "idolators" living there; the

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1 For a general survey of Jewish-Arab relations, see S.D. Goitein, *Jews and Arabs - Their Contacts Throughout the Ages* (New York, 1964), pp 3-12, 62-88; see also B. Jaffe, *Dyokana Shel Erez Israel, 1840-1914* (1983), pp. 242-253. See also Bernhard Lewis, *The Jews of Islam* (Princeton University, 1984) *passim*. For a detailed survey of Jews and Muslims in the nineteenth century, see N. A. Stillman, *The Jews of Arab Lands - A History and Source Book* (Philadelphia, 1979) pp. 324-426.

second was the difficulty of earning a livelihood. Rabbi Katz wrote optimistically

"and behold the first reason is void for, thank the Lord, we are living here in peace, calmness and quiet [and have no fear] of any non-Jew and we are residing peacefully and quietly, may the Lord continue this until the arrival of our Messiah. May the Lord grant that it will be like this with you."<sup>2</sup>

Rabbi Katz thus favourably compared the physical safety of the Jews in *Erez Israel* to that of Jews abroad. In the ensuing years, however, this sense of security was to be shattered.

Initially, the Jews relied heavily on the protection of the influential Farhi family. The murder of Hayyim Farhi, a great protector of the Jews, in 1819 signalled the beginning of a dramatic deterioration in relations between the Jews and both the Turkish authorities and the general Muslim population.

The *Perushim* who came to *Erez Israel* chose to settle in Safed partially because Jerusalem was unsafe for Ashkenazim, who feared retribution from local residents who were owed money by the previous Ashkenazi community, defunct since 1721. Another major reason, however, was the security

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2 A. Ya'ari, *Shelihuto shel Rabbi Israel mi-Shklov, Sinai Yarhon Dati Leumi le-Torah le-Mada u-le-Sifrut*, Rabbi Judah Leib Fishman (ed.), 3rd Year, no. 1-2 (Jerusalem, 1939) p. 62. See I. Warfel, *le-Toldot ha-Kehillah ha-Ashkenazit be-Erez Israel, Sinai V*, 1939, p. 67

offered by Hayyim Farhi, who protected the Jewish community in Safed. Farhi, a scion of the Farhi family in Damascus,<sup>3</sup> was minister and *de facto* ruler of the Galilee. He acted as the minister of finance for Ahmed al-Jaazar, the ruler of Acre. After the death of al-Jaazar, Farhi became the Chief Minister of the succeeding ruler, Suliman Pasha.

Farhi actively used his status and influence to advance Jewish causes, a point noted by Rabbi Yehoseph Schwarz in his book *Tevuot ha-Arez*.<sup>4</sup> According to Schwarz, Farhi's kindness and good deeds towards his brethren knew no bounds.

"At that time, the Jews did not know of tyrants and judges because he stood in the breach, and all that he commanded. . . upon the Islamic rulers of the land, so they did, and they [the Jews] had peace from any taxes."<sup>5</sup>

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3 The Farhi family was a family of financiers which established itself during the eighteenth and nineteenth centuries. The position of *Sarraf* ("banker") was held by this family as early as the 1740's and possibly earlier. The status and power of the family reached its apogee during the nineteenth century, when it was responsible for the financial affairs of the province of Damascus. The family was involved in the financing of the *Hajj* (pilgrimage to Mecca), which was organized by the governor of the Damascus province. The Egyptian conquest of Syria at the beginning of the 1830's struck a blow at the family, and in 1834 it lost its position in the administration of the province and that of *Sarraf*. Even after the return of the Ottomans to Syria in 1840, the family did not regain its former power and glory. The tragic death of Farhi and the general decline of the power of the family meant the contraction of patronage bestowed upon many Jewish spiritual endeavours. The family established trusts for the benefit of *yeshivot* and *kolelim*, supported scholars, assisted the needy and arranged for employment in their offices. See Eliav, *Erez Israel*, pp. 38-44.

4 *Tevuot ha-Arez*, Luncz edition p. 462. See Eliav, *Erez Israel*, p. 79

5 *Ibid.* p. 462.

Rabbi Israel of Shklov and the other *Perushim* heaped praise on Farhi, and in 1810, Rabbi Katz wrote<sup>6</sup>

"in Acre, I visited the great, God-fearing minister, the famous. . . master Hayyim Zolbi [Farhi] with a letter requesting assistance to true men in the Holy Land. He received me positively and in great honour, and responded 'whatever they need, let it be on me.'"<sup>7</sup>

Another rabbi wrote about the assistance rendered by Farhi:

"I and my sons can be considered those who eat of their [the Farhis'] bread and drink their drink. . . and because of him we are successful."<sup>8</sup>

As minister to Suliman Pasha, Farhi appointed a personal representative Rabbi Isaac Abulafia as a commissioner for the cities of Safed and Tiberias. Rabbi Israel of Shklov mentions him in one of his epistles.

"And in those days, the ruler and the appointee from these two townships was Rabbi Isaac Abulafia. . . appointed by Hayyim Farhi, who was then the sheriff of Acco."<sup>9</sup>

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6 A. Ya'ari, *Shelihuto shel Rabbi Israel mi-Shklov, Sinai Yarhon Dati Leumi le-Torah le-Mada u-le-Sifrut*, Rabbi Judah Leib Fishman (ed.), 3rd Year, no. 1-2 (Jerusalem, 1939) p. 64.

7 Ibid.

8 S. Weiss, *Hakhmei ha-Sephardim be-Erez Israel*, (Jerusalem, 1981), p. 195.

9 A. Ya'ari, *Shelihuto shel Rabbi Israel mi-Shklov, Sinai Yarhon Dati Leumi le-Torah le-Mada u-le-Sifrut*, Rabbi Judah Leib Fishman (ed.), 3rd Year, no. 1-2 (Jerusalem, 1939) p. 58.



When Suliman died, however, a protege of Farhi named Abdalla Pasha was appointed ruler of the Galilee. Shortly afterwards, on the eve of the new month of Elul 1819, the security and peace which the Jews had enjoyed in *Erez Israel* and particularly in the Galilee, was abruptly shattered when Farhi was murdered by his former protege.

Rabbi Jacob Saul Elyashar described the change that followed:

"In all the days of the life of Hayyim Farhi, may his memory be blessed, Abdalla Pasha behaved mercifully towards the Jews who dwelled in Acco and in the other towns of the Galilee. Due to our many sins, the righteous minister Farhi, may his memory be blessed, was killed on the eve of the holy Sabbath, and from there on. . . the protector of the Jews dwelling in Acco and the Galilee was gone, and Abdalla Pasha began to persecute them with a vengeance, laying upon them new taxes until they could bear it no more."<sup>10</sup>

According to Rabbi Elyashar, after Farhi's murder, on 21 August 1819 the entire Jewish population of Safed was placed under arrest.<sup>11</sup> In later years, Rabbi Elyashar reported, Abdalla Pasha attacked Jerusalem and conquered it on 2 November, 1825. He immediately imposed an additional tax upon the Jews and informed them that this was a protection

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10 Ya'ari, *Zikhronot Erez Israel*, p. 104. See T.V. Parfitt, *Jews in Palestine*, pp. 54-56.

11 Ya'ari, *Zikhronot Erez Israel*, p. 104.

tax as they were now under his "protective" rule.<sup>12</sup> The tax was in fact paid, on time, when the year was up.<sup>13</sup>

Hayyim Farhi was not granted a proper burial; Rabbi Israel of Shklov, recording the death of Farhi, reported that he was strangled and thrown into the sea near Acco.<sup>14</sup> Farhi's property was confiscated. The British Consul saved the magnificent Farhi Bible, which was returned to the family a century later. In his work *ha-Emet me-Erez Tizmah*,<sup>15</sup> Rabbi Israel confirmed Elyashar's account that the Jews of Safed were arrested shortly after the murder of Farhi, and the official reason given was that thousands of Jews owed back taxes to the Pasha.<sup>16</sup> Of his own arrest with the rest of the Jews of Safed by Abdalla Pasha, he related "I was thrown into a prison" and he says that it "was a harsh and terrifying captivity."<sup>17</sup> According to Rabbi Yehoseph Schwarz, Hayyim Farhi had been warned about his impending fate, but had refused to escape, fearing that if he did so, the Pasha would proceed to wreak vengeance upon the Jewish population.<sup>18</sup>

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12 Ibid. p. 109.

13 Ibid. 109.

14 Ibid. p. 115.

15 A. L. Frumkin, *Sipur Hatalat Yishuv ha-Ashkenazim ha-Nikraim Perushim*, in *Zion (Me'assef) B*, 1927, pp. 130-148.

16 Ibid. p. 136.

17 Ya'ari, *Zikhronot Erez Israel*, p. 101.

18 Ibid.

Even before the death of Farhi, one of the major problems confronting the various Jewish communities throughout *Erez Israel* was the heavy burden of debt. Rabbi Israel of Shklov, in a letter to Rabbi Shlomo Pach in 1817, related that:

"expenses are very great and what we have borrowed from the Gvir [i.e. Hayyim Farhi] is sent to Jerusalem."<sup>19</sup>

In the same letter, Rabbi Israel described the atmosphere in the small *kehillah* of Safed, which was weighed down by financial pressures:

"and everyone here is sorrowful and anxious and all are in debt as you know . . ."<sup>20</sup>

After the murder of Farhi, matters deteriorated still further as extra taxes were demanded of the Jewish community.

Rabbi Israel, in *ha-Emet me-Erez Tizmah*,<sup>21</sup> told that Pasha imposed upon the Jewish community in the Galilee a tax for that year at a equivalent to ten years of ordinary taxation.<sup>22</sup>

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19 Warfel, *Le-Toldot ha-Kehillah ha-Ashkenazit be-Erez Israel, Sinai*, Vol. V (Jerusalem, 1939) p. 93

20 Ibid.

21 *Ha-Emet me-Erez Tizmah*, pp. 130-148.

22 Ibid. p. 135. See Eliav, *Erez Israel*, p. 89

In response to the murder of Hayyim Farhi, the powerful Farhi family in Damascus mobilized the services of Suliman Pasha in Damascus, obtained a supportive edict by the *Sheik al Islam* (the supreme Moslem religious authority) and gathered troops to fight against Abdalla Pasha.<sup>23</sup>

This army arrived on April 3, 1821, and laid siege to Acco. Rabbi Yehoseph Schwarz recorded that the siege caused famine in the city, and food prices rose to unprecedented levels.<sup>24</sup> The siege lasted 14 months, but the whole expedition fell apart when Suliman Farhi was poisoned, probably by agents of Abdalla Pasha.

Rabbi Israel, in 1823, offered some insight into how Sephardi relations with the Muslim authorities worked against the Ashkenazim. Rabbi Israel referred to the continuing enmity with the Sephardim, whom he described as:

"the infamous enemy, wicked ones, informers. . . who obtained an order from the Minister Mustafa. . . to levy from us the amount of 60 *kissim*, and who took our appointees to the prison. . . where they were tortured."<sup>25</sup>

Prior to Egyptian rule, corruption was endemic in public administration, reaching to highest levels of its government hierarchy. The authorities used the opportunity provided by an Ashkenazi-Sephardi quarrel not only to maltreat the

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23 *Ha-Emet me-Erez Tizmah*, p. 102.

24 *Ibid.*

25 Warfel, *Le-Toldot*, p. 95.

Ashkenazim, but also to extract money from them. According to Rabbi Israel of Shklov, one member of the Ashkenazi community in Safed, one Isaac Schweizer, who used to "represent us as he knew the Turkish language",<sup>26</sup> was

"whipped. . . two hundred times on his feet and this was dangerous to his health."<sup>27</sup>

This maltreatment by the authorities continued until

"some of the people in our group escaped from the city with the aim of seeking help from the minister and the consul . . . in Beirut. However, these were brought back with brutal beatings and [were caused to] transgress the holiness of the Great Sabbath<sup>28</sup> [as] they were brought by soldiers and arrested and tortured until they were ransomed for a large sum of money. . . . They obtained from us more than fifty *kissim* in cash. . . ."<sup>29</sup>

The Muslim governor had a personal interest in obtaining this money from the Ashkenazim, because apparently he took a ten percent commission on the sum that was supposedly returned to the Sephardim.

"In relation to their demands, the governor took 40 *kissim*, and to himself he took four *kissim*."<sup>30</sup>

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26 Ibid.

27 Ibid.

28 Great Sabbath (*Shabbat ha-Gadol*): The Sabbath prior to Passover.

29 Warfel, *Le-Toldot ha-Kehillah ha-Ashkenazit be-Erez Israel*.

30 Ibid.

The extent and brazenness of the corruption, and the absence of any semblance of order, can be seen from the fact that having extorted the 40 *kissim*,

"it would seem that none of this arrived to the neighbours [i.e. the Sephardim] - not even one *peruta*. All remained with the ruler, Mustafa."<sup>31</sup>

This local fracas took on international diplomatic dimensions with the arrival of Consul Picciotto from Aleppo,<sup>32</sup> who protested to Mustafa. Rabbi Israel noted, however, that these protestations

"had no effect, for the . . . ruler knew that very soon his power would be removed from him by the Sublime Porte"<sup>33</sup>

and thus deferred dealing with the consul's requests for as long as possible.

Mustafa's evaluation of his relationship with the Sublime Porte was correct: shortly after the Consul's visit, the Sultan issued a *firman* returning Abdalla Pasha to the rulership in Acco and removing Mustafa from office.

However, even greater troubles awaited the relationship between the Jewish community in Safed and its neighbors. In

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31 Ibid.

32 The Picciotto family of merchants and community leaders was originally from Leghorn, Italy. Raphael (d. 1827) was the Austrian and Russian consul in Aleppo. His sons also held various consulships, and most of the European consuls in Aleppo were members of the family.

33 Ibid. p. 96.

1834, the Druze peasants of the Galilee and Samaria rebelled against what they considered to be the oppressive rule of Egypt. Rabbi Menahem Mendel of Kaminiecz described the events of the June 15, 1834.

"The peasants, armed with weapons, attacked the Jews of Safed, stripped them of their clothing, expelled them from the city, and pillaged all their property."<sup>34</sup>

Rabbi Menahem Mendel described horrifying scenes of rape (including homosexual rape) and destruction of Jewish ritual objects. The attackers also seized Rabbi Israel of Shklov<sup>35</sup>, but he saved his life by handing over all the money in his possession. Under the leadership of Rabbi Israel, the community escaped to the nearby village of Ein Zeitim,<sup>36</sup> While others took to the hills and hid in the cemeteries surrounding the city.<sup>37</sup> Still others escaped to a large ruined house near Safed which possessed two wells and, more important, a set of strong iron gates.<sup>38</sup> Although they suffered greatly from the intensely cold nights - even in midsummer - many remained in hiding for fear of the mob.

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34 *Sefer Korot ha-Itim le-Yeschurun be-Erez Israel*, written in *Erez Israel*, published in Vilna, 1839, Menahem Mendel of Kaminiecz, Facsimile Reprint Yad Ben Zvi and Hebrew University, 1975, p. 7. See Israel Bak in Preface to H. D. Azulai's *Avodat ha-Kodesh* (Jerusalem 1841); also A. M. Luncz, *Yerushalayim* 5 (1901) p. 290-291; T.V. Parfitt, *Jews in Palestine*, pp. 57-59.

35 *Sefer Korot ha-Itim le-Yeschurun be-Erez Israel*.

36 *Ibid.*

37 *Ibid.* p. 8; Luncz, *Yerushalayim* V (Jerusalem, 1901) p. 245.

38 *Ibid.* p. 8.

"We were pained to hear the extent of the joyous celebration celebrated by the pillagers in the city. . . a large amount of booty was robbed from the Jews: the sound of their joy was heard for a long distance."<sup>39</sup>

Rabbi Menahem Mendel recorded that when the Jews were over their initial shock, they borrowed Arab clothing from the villagers of Ein Zeitim and returned to Safed in disguise to rescue the sick and wounded Jews who remained. Indeed, they brought back "all those sick people who had the strength to ride upon an ass."<sup>40</sup> Rabbi Menahem Mendel reported that he spent several days in a house with 600 other people, men, women, children and infants. Later, the Jews returned to Safed, but once again were driven to seek the protection of the *Qadi* when attacks flared up once more.<sup>41</sup>

Rabbi Menahem Mendel described the desecration and destruction of the scrolls of the Torah, which the pillagers had used for aprons and shoes. In addition, they had ransacked many of the Jewish homes, tearing them apart in the hope of finding hidden treasure.<sup>42</sup> It was four weeks before Ibrahim's ally, the Prince of Lebanon Amir Bashir al Shihabi and his Druze forces arrived and restored order.<sup>43</sup>

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39 Ibid.

40 Ibid. p. 9.

41 Ibid. p. 10.

42 Ibid. p. 139.

43 See T.V. Parfitt, *The Jews in Palestine, 1800-1882*, p. 61.



Efforts were made to ensure that a proper compensation was paid to the Jews.<sup>44</sup> In reality, however, little compensation was actually paid.<sup>45</sup>

Rabbi Israel of Shklov wrote a letter in 1835 regarding the attempt to obtain compensation. In this letter to Shlomo Pach, a member of the *Perushi* community, he requested Pach to intercede with a representative of the authorities who arrived in Acre to deal with the demands of the Jews for compensation. He referred to this representative and stated:

"he has already arrived in Acre, and we know that you are close and have influence with him. . . as you know his language and his manner. . . we also know that you listen to all that we request, therefore we have asked you to come and stand guard and to obtain for the *kolels* of the *Hasidim* and the *Perushim*, all that we lost from the robberies. When the consul arrives from Sidon, we wish that a person like yourself will be there and will know what is necessary to explain what our requests are. . . ." <sup>46</sup>

The letter has a postscript whereby Pach is requested to go to the Russian Consul in Jaffa to obtain a letter which he

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44 J. Bowring, "Report on the Commercial Statistics of Syria Addressed to the Right Honorable Lord Viscount Palmerston", *Parliamentary Papers*, 1840 (27b, xxi - quoted by T.V. Parfitt, *The Jews in Palestine, 1800-1882*, p. 63.).

45 See T.V. Parfitt, p. 62; Luncz, *Yerushalayim*, Vol. 5, 1901, p. 293; Ya'ari, *Iggrot Erez Israel*, p. 408.

46 Central Archive for the History of the Jewish People, IL-Sa-1-30 (Weingarten, p. 33). A. M. Luncz, *Yerushalayim* 5, (1901) p. 293.

is to give to the representative of the Ottoman authorities, probably expressing the support of that consul for the efforts that were made to obtain such compensations.<sup>47</sup> See Plate .

The Hasidic community in Safed was affected by the Revolt similarly to the *Perushim*. The Hasidic leader, Abraham Dov Baer<sup>48</sup> describes the *Fellahin* Rebellion of 1834 in a letter written to Sir Moses Montefiore.<sup>49</sup> Rabbi Abraham Dov describes how, at the commencement of the reign of the Egyptian ruler, Ibrahim Pasha, for a period of about one and a half years,

"We were calm and tranquil, far more so than we had been during the previous reign. However, after about a year and a half, we heard a rumour in our Holy City from the Gentiles who surrounded us that they. . . are boasting that they

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47 See M. Abir, *Teviyot Yehudei Zefat Aharei Bizat 1834*, *Sefunot* 7, 1963, p. 274.

48 Ukrainian Hasidic leader, emigrated to *Erez Israel* in 1831. He settled in Safed, where he became a leader of the hasidic community. He organized relief efforts and encouraged Jews to remain in Safed. He published one major work: *Bat Ayin* (Jerusalem, 1847). Rabbi Dov was the head of the *kolel* of the Hasidim in Safed. He was a student of Rabbi Mordehai of Czernobil and came to live in Safed in 1832 and died in 1841. See Yud Refael, *ha-Hasidut be-Erez Israel* (Jerusalem, 1940), p. 141-149.

49 The letter is a part of the Montefiore Archives, kept in Jews' College, London. A facsimile of this letter is kept in Yad Ben Zvi Archives. President Izhak Ben Zvi, shortly before he died, issued via the Ben Zvi Institute a special publication of relevant missives and letters under the title *Me'ora'ot Zefat Mibizat, taf kuf zadi daled, ve'ad Meridat ha-Druzim be-Shenat taf kuf zadi het*, (Jerusalem, 1963). This present letter, written by Abraham Dov, is also to be found in *Sefunot*, vol. VII, the yearly book for the study of Jewish communities in the East, year 1963, p. 285.

will loot. . . us. So we became fearful, and sent a letter to Acre to the rulers to inform them of this. And we received a response calming us that we should have no fear regarding these rumours, and the ruler issued a proclamation in the marketplace that whoever boasts that he will loot the Jews will be punished with all kinds of punishments, and as a result, we were certain and we dwelt in our place as before without escaping from here nor hiding."<sup>50</sup>

There is no doubt that this communication of the Jews with the Egyptian authorities did little to ameliorate the hatred with which they were regarded by their neighbours, and

"On the eighth day of the month of Sivan, in 1834, there suddenly gathered all the non-Jews dwelling in the town and in the surrounding villages and they arrived in the city when we were all sitting, working or studying the Torah, and they came into the houses and caught us, and beat us brutally until blood spilt. . . and they put their eye on our money and our property. . . to loot us. And we escaped out of town and they chased after us. . . and prevented us from escaping and stripped our clothes off us and left us naked, leaving on us only the lower undergarments. In the evening, they brought us into the town, placed guards upon us, stating that they want to guard us so that we would not be hurt by the others going around the city, and we who did not know what their evil plan was, were desperately frightened. And so we were in that tower for 35 days, famished, and all our food was bought by . . . as a result of [some money] that remained in the clothes of the rabbanit, the wife of the zaddik, Rabbi Abraham Dov. . . and for this money, the zaddik was able to obtain for us bread, and gave us each a part each day. . . during the day, we

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50 Ibid.

suffered the great heat and at night the ice as a result of the violence of the wind, which made great noise at the top of the mountain, and we had nothing with which to cover our bodies, and the entire city was destroyed and broken, for those searching broke the windows and doors and even damaged the walls and broke them in their search for treasures within the walls."<sup>51</sup>

Order was restored by an Egyptian-backed army, as we have noted above, and the Jews were let out of the tower and

"We came to our destroyed and abandoned houses, open from all sides, broken in every corner, and that night we slept on the earth, and the wind blew from every side."<sup>52</sup>

Consistent with the Egyptian government's policy of the rule of law and order, the officer in charge of the expedition force

"instructed us. . . to give him in writing, each and every one of us, a list of all the chattels that were taken from us. . . naming each item. . . and how much cash on hand, silver and gold utensils were robbed from us. And we did this immediately, and each and every one of us wrote for himself his own list and brought it first to the people who were appointed by the zaddik to look at everything that it was written correctly and truthfully, and so this was done. And finally it was turned over to that office all the accounts of the loot and the damage with the details of the chattels.

"And afterwards, that officer ordered the non-Jews to bring all the chattels that they robbed from the Jews. What

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51 *Me'ora'ot Zefat Mibizat*, pp. 285-286.

52 *Ibid.*

did these non-Jews do? They took the best of the chattels and the silver and gold vessels and hid them in the wells, and all of the worst items and our clothes were already torn by these non-Jews to make from them clothes for themselves and for their children. All this they threw outside in the streets, for they feared for their lives if they turned them over to the officer as he had ordered. . . .

"And after this, the officer left here and promised to send us another officer in his stead, and there came afterwards the minister Mudir<sup>53</sup> and he searched in the houses of the non-Jews and he found treasure - some silver vessels and brass vessels and clothes - and sold them by public sale and gave us, . . . the proceeds of the sale."<sup>54</sup>

The sale did not yield very much:

"The value of the sale in conjunction with the sale of the torn clothes was worth about one percent [of the value of the robbery]."<sup>55</sup>

The Jews, believing Mudir abd-el-Hadi's promises, remained in Safed throughout the entire winter. Had they not been misinformed by abd-el-Hadi, some would have gone back to Europe to obtain assistance from the communities there or from their relatives. Abraham Dov related in his letter that, due to the belief that they were imminently to be recompensed, they remained in Safed and incurred great

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53 The reference is to Mudir Hussein abd-el-Hadi, who turned the business of returning the property of the Jews of Safed into a source of income for himself and his family. See Mordehai Abir, *Teviyot Yehudei Zefat Aharei Bizat Taf Kuf Zadi Daled*, 1834, *Sefunot*, vol. 7 (Jerusalem, 1963) p. 274.

54 Ibid.

55 Ibid.

debts, as they had to borrow in order to live throughout that period. However,

"the days of autumn have passed, and there is no news and no money."<sup>56</sup>

Later on that year, during the summer, the consul general of Russia, whose seat was in Alexandria,

"saw our poverty and our oppression and promised us to send here a person who would make an effort to obtain the compensation for the above damages. So we delayed and waited for our salvation. . . until the entire summer had passed and autumn arrived, and afterwards, the Silman Basha<sup>57</sup> obtained from the non-Jews a certain sum and sent it to be distributed among us at the value of three and one half per hundred, and he promised us that soon all will be obtained."<sup>58</sup>

Rabbi Abraham Dov also described the Druze Revolt in 1838:

"And behold there is fear and panic from the voice of the Philistines [i.e. Druze] that have rebelled against their master, the King of Egypt, and have put their eye to loot. . . during this time, there came to here Mundir and we cried out before him in a bitter voice that he should leave here some soldier to guard our souls and bodies, and he said to us 'why are you afraid of these people? I am going out towards them and I shall demolish them.' And we persisted in asking him as we were greatly afraid and a deadly fear fell upon us, and he took no notice of this. Until there came the day of the 12th of Tammuz last year

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56 Ibid. p. 297.

57 Suliman Pasha, one of the best generals of Muhammad Ali, who was sent to Syria.

58 Mordehai Abir, *Teviyot Yehudei Zefat Aharei Bizat taf kuf zadi daled, 1834, Sefunot, vol. 7 (Jerusalem, 1963).*

[this letter was written in 1839] and behold the above rebels with the men of the surrounding villages. . . came to the town and seized us all. . . and they beat the weeping people until they extracted from them the sum that they required from us, and this apart from the looting. . . of the town. . . from morning until night. . . . in the evening they retreated when they heard that their army was defeated, otherwise we would all have been lost, Heaven forfend."<sup>59</sup>

The tribulations suffered by the Jewish communities in Safed and in the Galilee naturally reflected itself on an individual level. In 1839, we find a letter written by Yehuda Shabtai Antaby,<sup>60</sup> where he related how he was engaged for over two years with the daughter of Rabbi Hayyim Nahum Mizrahi:

"and people have wondered at me - how come I have not married till now. . . but this is because I am unable to [economically] because the hand of the Lord has touched me in earthquake and in looting - once, twice and thrice, and in particular the troubles from the Druze,<sup>61</sup> for the few clothes that I had ordered for the wedding, the Druze took them."<sup>62</sup>

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59 I. Ben Zvi, *Me'ora'ot Zefat*, pp. 296-298.

60 Born in Haleb in 1819, died in 1889. Was a *shadar* and ended up as a rabbi in India. See also M. D. Gaon, *Yehudei ha-Mizrah be-Erez Israel*, vol. 2, p. 524; *Ya'ari, Sheluhei*, p. 6-8.

61 Antaby uses the word *Plishtim* (Philistines) for Druze, which was a common term used by writers from the Galilee.

62 Izhak Ben Zvi, *Me'ora'ot Zefat Mibizat, taf kuf zadi daled, ve'ad Meridat ha-Druzim be-Shenat taf kuf zadi het, Sefunot*, Vol. 7 (Jerusalem, 1963), pp. 315-6.

The relations of Jews with the Gentiles in neighbouring countries had a spillover effect on the Jewish community in *Erez Israel*. The Damascus Blood Libel of 1840 made an enormous impression on the Jews of *Erez Israel*, and its resolution, through the intervention of Sir Moses Montefiore, caused widespread relief. One rabbinical work, *Sefer Mo'adei Ha-Shem* ("The Book of the Festivals of God")<sup>63</sup>, specifically mentioned the gratitude of the Jews in *Erez Israel* to their brethren in Great Britain. *Sefer Mo'adei Ha-Shem* was one of the earliest books to be published in Jerusalem, and it covered a variety of customs and prayers practiced by the Sephardi congregations. In the preface to this book, after praising the work of Montefiore, Queen Victoria was blessed for her support of Montefiore.

"A blessing to the Lady of the Kingdom of Britain. He who gives salvation to kings. . . He will bless our Lady. . . Queen Victoria. . . ." <sup>64</sup>

The relationship with the Muslim population of Jerusalem was usually tense. In the preface to his book, *Sefer Be'er*

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63 Israel Bak Press, (Jerusalem, 1844). See Appendices XIII, XIV and XV.

64 In the second edition of this book, the English text is missing and first there is printed "he who gives salvation to kings" and a continuation of the blessing refers to "our righteous King and Sultan, Abdul Magid, may He keep him." Only afterwards is the above blessing for the queen printed. See Appendices XIV, XV, and XVI for other rabbinical expressions of gratitude to Britain and Queen Victoria.



*be-Sadeh*,<sup>65</sup> Meir Benjamin Menahem<sup>66</sup> described the conditions then prevalent in Jerusalem.

"We were abused by our neighbours. . .  
and they, insatiable and fearsome. . .  
ate Israel wholeheartedly. . . until  
there was no money left and all the  
pockets were emptied. . . and the people  
were unable to bear it."<sup>67</sup>

The enmity of the Moslems was sometimes expressed in an extreme manner. For example, the Jewish *kehillah* in Bab Al Huta did not last for very long as a result of Muslim hostilities. Security problems and even an attempt in 1838 to accuse some of the inhabitants of a blood libel caused the neighbourhood to be totally deserted by Jews<sup>68</sup>, as related elsewhere in this paper.

Rabbi Bergman described improved relations with the Muslims under the rule of Muhammad Ali and the Egyptians, which commenced in 1832.

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65 A treatise on Rashi's commentary on the Torah and on the explanation of Rabbi Eliyahu Mizrahi, (Jerusalem, 1846).

66 The author was a rabbi for many years in Bosnia and settled in Jerusalem in his old age to become a member of the *Bet Din* of the *Rishon le-Zion*, Rabbi Abraham Gagin.

67 M. B. M. Danon, *Sefer Be'er ba-Sadeh* (Jerusalem, 1864), p. 4.

68 In a letter of the 5th of Tammuz 1840 to Moses Montefiore, it says: "and behold, near to the gate of Bab Al Huta there are five good courtyards with gardens and trees belonging to Jews and behold, as a result of our sins, all of the above-mentioned courtyards are deserted and none dwell in them." See Israel Bartal, *Tokhnit ha-Hityashvut mi-Yemei Masa'o ha-Sheni shel Montefiore, Shalem*, Vol. 2, 5736, p. 287.

"I had heard from reliable people that possibly from the time of our Holy Rabbi<sup>69</sup> there had not been, with the blessing of God, a greater peace than this in the Holy Land."<sup>70</sup>

Later Rabbi Bergman wrote about the introduction of Egyptian laws:

"In any case nowadays, the rules of the king are very good to our people, with the assistance of the Lord, may He be blessed, so much so that it is no longer an exaggeration to say that the beginning of the future Salvation has arrived."<sup>71</sup>

After the mid-century, Jewish-Arab trade relations grew, particularly in the agricultural field. In a *responsum* by Rabbi Elijah ben Suleiman Mani, the chief rabbi of Hebron, the rabbi dealt with the question of tithes in relation to produce which resulted from Jewish-Arab co-operation in agricultural ventures:

"in the Holy City of Hebron . . . Jews who provide wheat and barley to the Gentiles to sow in their fields, and afterwards they [the Arabs] distribute to the Jews the wheat and the barley according to the conditions [agreed] between them - are these liable for *terumot* and *ma'aserot* or are they not?"<sup>72</sup>

There was similar business contact between Jews and Arabs in Safed.

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69 The reference is to Rabbi Judah the Prince, third century C.E.

70 *Yiseu Harim Shalom*, p. 76.

71 *Ibid.* p. 86.

72 *Sefer Shem Yosef*, 1879, p. 24a.

"Over two years Hebrews made a contract with Arab farmers for a period of five years as follows: the Jews paid for them all the debts which they owed to the government and others in the sum of over 60,000 grush and gave them loans ... in order to purchase oxen and plowing implements and wheat and seeds and furthermore they paid for them the taxes the rates and the tids of the sheikh ... [and it was agreed] that even if the government adds to these taxes and rates [and] doubles them, the Jews have to pay for these from their own pocket and money."<sup>73</sup>

In return the Arabs were to pay off the loans and share in the produce of the land. Rabbi Franco was asked what would be the position of the Jews during the year of *shemittah*, whether they would be entitled to work the fields.<sup>74</sup> In another place Rabbi Franco writes

"I have been requested to give my opinion with regards to Jews who give the Gentiles wheat and seed in their fields and afterwards the Jews and Gentiles divide the wheat and the seeds as according to the agreement between them - are these liable for *terumot* and *ma'aserot*?"<sup>75</sup>

Jerusalem, emerging from its forgotten backwater status within the Ottoman Empire, grew more cosmopolitan; so much so that the Jerusalem Jew, related Rabbi Nehemia Kahanov, encountered in his city members

73 *Sha'arei Rahamim*, (Jerusalem, 1881) p. 6a Section 4.

74 *Ibid. Shemittah*: Sabbatical year in which no agricultural work may be done by Jews.

75 *Sha'arei Rahamim*, (Jerusalem, 1881), p. 33b Section 29.

"of all the nations of the world: there are Arabs and Turks (two nations and of one faith, Mohamedanism),<sup>76</sup> Druze. . . Armenians. . . Ethiopians, Indians, Persians and others from Asia and Africa mainly of the Mohamedan faith. And from Europe - Greeks, Russians, French, British, Prussian, Austrian and other countries whose faith is the Christian faith."<sup>77</sup>

Jews utilized the services of Arab craftsman. Rabbi Rahamim Franco described how a local Hebronite Jew brought a Muslim craftsman from Jerusalem to decorate his house. As the work took a while the craftsman and his family were provided with a house in Hebron where they stayed until the end of the work.<sup>78</sup>

The Rabbis attempted to promote a sense of neighbourliness towards the Muslims. For example, a question regarding Jewish prayers for Muslim welfare was presented to Rabbi Gagin in 1833. That year was a *shemittah* year. In non-*shemittah* years, the community prayed together for rain and often established fast days as part of the framework of the prayer for rain. In the *shemittah* year, the question asked Rabbi Gagin, "Is there any point in fasting for rain?" as "We are not allowed to sow nor to do any agricultural work, how can we pray for rains?"<sup>79</sup> And the question added: And there is no point praying for rain to fill up the wells as these are owned by the Muslims, and why should we pray for

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76 Brackets in the original.

77 *Sha'alu Shelom Yerushalayim*, p. 50.

78 *Sha'arei Rahamim*, (Jerusalem, 1881) p. 23a Section 15.

79 *Sha'arei Rahamim*, (Jerusalem, 1881), p. 8b Section 4.

Muslims? Rabbi Gagin responded that praying for water was to pray for life itself. Furthermore it was right and proper to fast on behalf of the Muslims

"because of the ways of peace . . . [we should] fast also on the *shemittah* year."<sup>80</sup>

Land was freely sold by the Arabs to the *ra'ayah* Jews. There was a case where a Jew bought a field from an Arab and found that in the field there were trees that were not officially cross-bred, in a way that was considered *kilayim*.<sup>81</sup> A question regarding this was put to Rabbi Abraham Hayyim Gagin and he was asked whether the purchaser was obligated to uproot these forbidden hybrid trees. Rabbi Gagin ruled that the trees did not have to be uprooted.<sup>82</sup>

Many Jewish merchants and peddlers travelled throughout the country regularly. Arab harassment of these tradesmen made these occupations dangerous. During the time of the writing of the *Sefer Divrei Yosef* (1861), the security situation was still bad enough for a question to be put to Rabbi Yehoseph Schwarz by a businessman who travelled regularly from Hebron to Safed via Jerusalem, Nablus, and Tiberias. Was he

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80 Ibid.

81 *Kilayim* is mentioned in Leviticus 19:19 wherein it states, "You shall not sow your field with two kinds of seed". This verse was interpreted by Halakhists to mean that such certain cross-bred hybrids would be forbidden under Jewish law.

82 Ibid.

obligated, ran the question, to say *Birkat Ha-gomel*<sup>83</sup> in every place where he stopped or could he say it at the end of his journey when he reached Safed? Rabbi Schwarz responded was

"Due to our many sins, the roads are to be considered dangerous, and [a person travelling on them] is equivalent to a person who is lost in a desert."<sup>84</sup>

Rabbi Schwarz ruled in this *responsum* that the person should say *Birkat Ha-gomel* only at the end of his journey and compared the situation to a person who

"is, heaven forfend, dangerously sick, and after a few days his illness eases and he feels better. Certainly he would not bless [*Birkat Ha-gomel*] yet for he does not know whether tomorrow he will return back into a dangerous level for he has not yet been completely cured, and he has to wait until he has been completely cured and returned to health, and in the same way, he should not say *Birkat Ha-gomel* until he has reached his destination and has completely emerged from the danger."<sup>85</sup>

However, Rabbi Schwarz describes the outlying village areas way from the metropolitan centers as places of great danger and refers to Jews who travel in those areas:

"The merchants and peddlers who go around [selling] their merchandise in the area of the *Felahin*, in their villages which are a place of great danger, and who have not got a

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83 *Birkat ha-Gomel*: Blessing recited upon emerging from a dangerous situation.

84 *Sefer Divrei Yosef* (Jerusalem, 1861), p. 156a.

85 *Ibid.*

particular destination for which they are heading, these are obliged to say *Birkat Ha-gomel* every single day at the place where they sleep once they have emerged from the dangers . . . of that day".<sup>86</sup>

Generally, the attitude towards the other religions ruling in *Erez Israel* such as Christianity and Islam, was not negative. In a question put to Rabbi Jacob Saul Elyashar by a Rabbi Mahloulf El Daudi from Acre, the following situation is described: A certain Jew had a hazer in *Erez Israel* [the exact location is not mentioned] and as there were few Jews in his city, he

"let the hazer to a [Protestant woman] whose job was to teach the languages of the nation to non-Jewish girls."<sup>87</sup>

Rabbi El Daudi wrote to Elyashar asking whether it was forbidden to lease property to Christians or Muslims, and states

"These gentiles who live in our country are not considered heathen as they believe in a living God . . . and in the resurrection of the dead, and in crime and punishment. The fact that they believe in Jesus is a custom which they have from their forefathers and does not include them in the framework of heretics and epicureans . . . [as] mentioned by the Rambam, may his memory be blessed, in his book *Yad ha-Hazakah* and in other books of our sages. Let us not . . . increase hatred and jealousy between the religions and faith . . .

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86 Ibid.

87 *Responsa Yissa Ish* (Jerusalem, 1896) p. 8b.

and they do not come within the framework of idolators."<sup>88</sup>

Rabbi El Daudi requested Elyashar to confirm this ruling. Rabbi Elyashar responded by permitting the rental on condition that no idolatrous artifacts be brought into the house.<sup>89</sup>

Elyashar also ruled that Gentile languages were also languages of God. A question was put to Rabbi Elyashar whether the usage of the name of the Lord in foreign languages is considered a transgression against the first of the Ten Commandments which orders that one should not take the Lord's name in vain. Is:

"he who mentions His name ... in a foreign language such as the Arabic language *Allah* or *Adio* [Ladino] and in German *Gott* ... "<sup>90</sup>

taking God's name in vain? Elyashar ruled that using the name of the Lord in any of these languages is indeed to be considered taking His name in vain.<sup>91</sup>

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88 Ibid. p. 10a.

89 Ibid. p. 10b.

90 *Responsa Ma'aseh Ish* (Jerusalem 1892) p. 6a Section 7.

91 Ibid p. 7a.



**CHAPTER IX**  
**SOCIAL AND LIVING CONDITIONS**

"He viewed all the disasters that fell - one after the other - upon Safed as trials sent by Heaven to see how great was the love for *Erez Israel* in Jewish hearts. For if, notwithstanding these trials, the Jews of Safed would stand firm and cling to their city ... this would be a sign that they were worthy of Redemption."<sup>1</sup>

Yehoshua Bar Yosef,  
*The Enchanted City [Ir Kessumah]*

A central theme of Jewish life in *Erez Israel* during the nineteenth century was the seemingly endless succession of hardships, travails, and, at times, outright calamities. Even after the arrival of the European consuls, the position of the Jews was, to say the least, precarious. Indeed, the history of the Jews in *Erez Israel* during this period was dominated by poverty, natural catastrophes, and violence.

The tenacity of the majority of Jews living in those perilous times can be explained by the undimmed passion that the Land of Israel always aroused in many Jews. Despite his seemingly unbearable hardships, Rabbi Israel of Shklov was nevertheless moved to exclaim: "Truly it is a wonder to dwell in this good land!",<sup>2</sup> and this in a letter which

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1 Yehoshua Bar Yosef, *Ir Kessumah* (Tel Aviv, 1979) p. 30.

2 A. Ya'ari, *Shelihuto shel Rabbi Israel mi-Shklov, Sinai Yarhon Dati-Leumi le-Torah, le-Mada, u-le-Sifrut*, Rabbi Judah Leib Fishman (ed.), 3rd Year, no. 1-2 (Jerusalem, 1939), p. 60. See about the *Perushi aliyah* in Eliav, *Erez Israel*, p. 84-88 and *Ahavat Zion* pp. 13-14; also P. Grayevski, *Pinkas Yerushalayim* (Jerusalem 1944), p. 2. See also Appendix I.

describes the great difficulties facing the *Perushim* when they arrived in Palestine.

"There is no gold revealed in its streets, and one cannot sustain oneself from carobs<sup>3</sup>. . . . The Holy Land, as a result of penury and her poverty, has to go abegging from door to door."<sup>4</sup>

The *Perushi* rabbis described *Erez Israel* as a

"tempestuous poor woman, humiliated and removed from power, begging for her sons, who have given their souls on her behalf."<sup>5</sup>

The *Perushi* rabbis further described their great financial needs: the urgent need for funds to build a *bet midrash* (house of study)<sup>6</sup> at a time when the *Perushim* were forced to rent a house, at great expense and with great difficulty, for this purpose. They also noted that the lack of a *bet midrash* caused *bittul Torah* (a non-utilization of time for learning of Torah).<sup>7</sup> The rabbis contrast

"the City of God [which] is humiliated to unfathomable depths while every city abroad has several *battei midrash* [houses of study]. . . and the Holy City

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3 This refers to Rabbi Hanina ben Dosa, who managed to sustain himself with a small quantity of carobs from one Sabbath to the next. See Babylonian Talmud tractate *Berakhot*, p. 17b.

4 *Ya'ari, Shelihuto shel Rabbi Israel mi-Shklov*; see also A. Morgenstern, *Ha-Pekidim ve-ha-Amarkalim be-Amsterdam ve-ha-Yishuv ha-Yehudi be-Erez Israel ba-Mahzit ha-Rishona shel ha-Me'ah ha-Tesha Esreh* Ph.D. (Hebrew University, 1981), pp. 92-93. See also Appendix I.

5 *Ibid.*

6 *Ibid.* See also A. K. Malakhi, *Perakim be-Toldot ha-Yishuv ha-Yashan* (Tel Aviv, 1971) p. 12.

7 *Ibid.*

[here the reference is to Safed, not Jerusalem]. . . is without a *Sbet midrash*, without a library, without a supply of food, without clothing."<sup>8</sup>

In spite of these difficulties, however, the joy of living in *Erez Israel* seemed to override all other consideration for the *Perushi rabbis*, who noted that,

"even in her ruin, there are none that can be compared to her, in her desolation, there are none like her..."<sup>9</sup>

To the *Perushi rabbis*, every natural physical attribute of the Holy Land was worthy of merit and praise:

"its earth and stones are good, its produce, fruit and vegetables are good, the clearness of its air is good..."<sup>10</sup>

Nevertheless, their delight at living in *Erez Israel* was tempered by a certain melancholy:

"the voice of the City of God is covered with sorrow, without bread, without water, without sustenance, without a house of learning, without books, . ."11

These sentiments were expressed in a letter which was written by the *Perushi Rabbis* with the aim of describing conditions in Safed to Jews abroad. The clear intention was to persuade these Jews to offer financial support for the

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8 Ibid.

9 Ibid. p. 59.

10 Ibid. p. 57.

11 Ibid. p. 59.

small Ashkenazi *Yishuv* in that town.<sup>12</sup> The emotional tone of the letter, and the description of the trials faced by the Ashkenazi community in Safed, were obviously dictated by their aim of stirring the hearts of Diaspora Jewry. Therefore, while extolling the merits of spiritual *Erez Israel*, they did not spare their readers the hardships of temporal life in the Holy Land. Even discounting the possible exaggerations, however, the beginning of the settlement of the Ashkenazim in Safed was obviously difficult. It is evident from this letter that the first year of settlement (1809-1810) was particularly harsh; a year in which the hopes and passions of the new settlers were put to the most severe test.

Rabbi Israel of Shklov had to tear himself away from his family and from *Erez Israel* in order to act as a *Shadar* on behalf of the struggling community. This is a further illustration of the desperation facing the new Jewish community of Safed in 1810.

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12 The *Perushim* finally built their *bet midrash*. Rabbi Hillel of Shklov wrote a letter to his son-in-law, Shmaryahu Lurin, describing his difficulties in maintaining his own *bet midrash* in competition with the *Perushim*:

"I have problems with maintaining a *minyan* [quorum of ten men required for prayer] as I've already told. In the *Medrash Kolel* of the *Perushi* Ashkenazim, the heating is extremely good, and everybody is attracted there. Thus I [in order to compete] must also heat the *minyan* with coals and I have made glass windows. . . ." Ibid.

Rabbi Hayyim Katz described the hardships. Poverty was rife, he wrote, and some Jews did not have sufficient food and sustenance. Rabbi Katz expressed his profound sorrow for the good people who were poor and penurious.<sup>13</sup> He recalled that Rabbi Israel of Shklov was experiencing great financial difficulty: all his meagre wealth had been spent on shipping expenses.<sup>14</sup> Despite this, Rabbi Israel of Shklov was devoted to *Erez Israel* and would not have agreed to go abroad as a *Shadar*, wrote Rabbi Katz, if the *Perushim* leaders had not entreated him to do so. He left

"his children, young and small, to be a wanderer. . . on the seas and other countries, and. . . risk his life for the love of the Holy Land, and [for] the pressing life and death needs [of the community].<sup>15</sup>

Rabbi Katz emphasized again the importance of building a *bet midrash*, with proper heating, to be a "place of refuge"<sup>16</sup> for those who studied the Torah in the cold winters of Safed.

In spite of the poverty, Rabbi Katz described a placid and secure existence at that time for the Jews in Safed:

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13 Ibid. p. 59.

14 Ibid. p. 59.

15 Ibid. p. 60. A. K. Malakhi, *Perakim be-Toldot ha-Yishuv ha-Yashan* (Tel Aviv, 1971) p. 14.

16 Ibid. p. 60.

"We dwell [here] peacefully and quietly.  
. . . children and women go to market  
without any fear, and even outside the  
city - some of our people have gone  
outside without danger."<sup>17</sup>

He mentioned the difficulties that the Jews encountered in trying to earn a living,<sup>18</sup> but added that this problem applied specifically to the Ashkenazim because of their lack of knowledge of the local language.<sup>19</sup> On the other hand he noted that:

"Fruit, vegetables, quail, . . . , wine  
are good and plentiful at all times, and  
much cheaper than abroad."<sup>20</sup>

Rabbi Katz also praised the weather, and said that his health had much improved since his arrival in the Holy Land.<sup>21</sup>

Others did not find *Erez Israel* such a joyous experience. Like many other immigrants before and after him, Rabbi Hillel of Shklov did not have an easy time in *Erez Israel*:

"As everyone knows, I have been  
attracted here only by the bonds of love  
[to *Erez Israel*] in my old age, but  
[am]. . . left here alone and weakened.  
Naturally, I accept all this with great  
love, for certainly His [God's] aim is  
for the greater good."<sup>22</sup>

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17 Ibid. p. 57.  
18 Ibid. p. 58.  
19 Ibid. p. 59.  
20 Ibid.  
21 Ibid.  
22 Ibid. p. 60.

Rabbi Hillel was in poor health, and found that he

"could not make do with the food available here, and I mainly live on sugar, coffee and tea."<sup>23</sup>

A few years after the arrival of the *Perushim*, matters in Safed took a turn for the worse. In 1813, a severe cholera epidemic engulfed the town, and by the time the plague had run its course, almost the entire *Perushi* community had been wiped out. Of the 511<sup>24</sup> *Perushim* who had arrived in Safed, only a few dozen families survived. Some twenty souls fled to safety in Jerusalem, among them the *Perushi* leaders, Rabbi Menahem Mendel and Rabbi Israel of Shklov.<sup>25</sup>

Rabbi Yehoseph Schwarz relates that after the plague, the Jewish population in Safed was one-fifth of its previous number.<sup>26</sup>

"We lost the best amongst us. . . the righteous went to their final peace."<sup>27</sup>

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23 Ibid.

24 The figure 511 is obtained from Pinhas Grayevski, *Pinkas Yerushalayim*, 1944, 2. Rabbi Israel of Shklov's work *Ha-Emet me-Erez Tizmah*, p. 135, refers to a figure of 461, but it would seem that Rabbi Israel's number refers to an earlier period and that in the interim, the *Perushi* community had increased.

25 See I. Warfel, *Le-Toldot ha-Kehillah ha-Ashkenazit be-Erez Israel; Dapim Boddedim, Sinai*, Year 3, 1939.

26 *Tevuot ha-Arez*, (Jerusalem, 1845), p. 471. It should be noted that this number included in it people who had arrived in Safed after the plague ceased in the winter of 1814.

27 *Ha-Emet me-Erez Tizmah*, p. 134.



Recounts Rabbi Israel of Shklov

"this disastrous plague shook the Perushi community to its core."<sup>28</sup>

Rabbi Israel of Shklov recounted in the preface to his *Responsa Pe'at ha-Shulhan*<sup>29</sup> how the plague had destroyed his own family. He described the death of his wife, followed by those of his daughters and then those of his son and sons-in-law. When Rabbi Israel arrived safely in Jerusalem, having escaped the plague in Safed, he was informed of the deaths of his father and mother.<sup>30</sup>

Life in Safed - that "City of Catastrophes"<sup>31</sup> - was perilous under the best of circumstances. Rabbi Israel of Shklov recalled that during the winter of 1825

"during rainy days, houses collapsed here in the Holy City of Safed. [This was the result of] too much rain and harsh winds. And my house collapsed on the night of the thirteenth of Adar.. All my household and some of my neighbours were sitting in the house at the time that it collapsed. The Lord be blessed that he performed a miracle at that place [and we survived]."<sup>32</sup>

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- 28 Ibid. See Chapters 1 and 2 which discuss the effect of this disaster and others on the messianic aspirations of the *Perushim*. See also the discussion on the *Perushi* community in the chapter on the Missions, Ch. .
- 29 *Responsa Peat ha-Shulhan*, Luncz edition (Jerusalem, 1911), Preface.
- 30 Ibid.
- 31 Warfel, *Le-Toldot ha-Kehillah ha-Ashkenazit be-Erez Israel*, p. 113.
- 32 Rabbi Israel of Shklov, *Pe'at ha-Shulhan*, Luncz edition, 1911, preface.

Rabbi Menahem Mendel of Kaminiecz, in his book *Korot ha-Itim*,<sup>33</sup> described many parts of *Erez Israel*, in particular Safed, where he had settled. He reported that:

"the snow, at times, was so heavy that houses, which were mostly built very poorly, were destroyed."<sup>34</sup>

The elements continued to torment Safed. In 1837, a catastrophic earthquake struck Safed and Tiberias.

This second major catastrophe to befall the Jews of Safed claimed close to two thousand lives.<sup>35</sup> The city itself was destroyed almost entirely, and other communities throughout *Erez Israel* were also affected. The devastation was likened to that of the destruction of the Second Temple. In a letter to Zevi Hirsch Lehren of the *Pekidim* and *Amarkalim* Society in Amsterdam, Rabbi Israel of Shklov described the extent of the damage to life and property. The letter opened with a short discussion on the halakhic viewpoint of Rabbi Elijah of Vilna regarding whether it was a *mitzvah*

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33 *Sefer Korot ha-Itim li-Yeshurun be-Erez Israel*, originally published Vilna, 1839. The reference is to the facsimile issued by Yad Ben Zvi, 1975, p. 6.

34 Descriptions of heavy snowfalls such as that which demolished the home of Rabbi Israel of Shklov in Safed are rare. Rabbi Schwarz also reported that there was an unusually heavy fall of snow in 1836 which stayed thick on the ground for almost two weeks. Abraham Geiger (ed.) *Wissenschaftliche Zeitschult fuer Judiche Theologie*, vol. 4 (Wiesbaden - 1839).

35 See A. R. Malakhi, etc., pp. 26-31; also Luncz, *Yerushalayim*, 9, pp. 151-161. Compare T.V. Parfitt, *Jews in Palestine*, pp. 65-66.

(positive religious precept) to give bad news as well as good news (The argument referred to the *mishnah* in tractate *Berakhot*<sup>36</sup>). Rabbi Israel proceeded, after the halakhic discussion, to give Lehen the bad news.

At the time, Rabbi Israel was visiting Jerusalem, and, writing from that city to the *Pekidim and Amarkalim Organization* in Holland, he described how

"the earth shook and also caused damage to some houses and courtyards and the entire city was filled with fear. . . [but] no person was injured."<sup>37</sup>

He went on to tell the Amsterdam organization that

"in Nablus, houses and all the shops collapsed, and about 60 people were killed, The holy cities of Galilee, Safed and Tiberias were destroyed. . . houses fell and were destroyed and no house, street or market is recognizable."<sup>38</sup>

He described in some detail the devastation caused to Tiberias:

"the wall of Tiberias fell, a fire came out from the Sea of Galilee and the sea flooded the city. The Ashkenazi *Perushim* community suffered 200 dead, and the Hasidic *kolel* suffered even more."<sup>39</sup>

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36 Chapter 9, *mishnah* 2.

37 Luncz, *Yerushalayim* Year 9 p. 151-158.

38 Ibid. See also A. K. Malahi *Perakim be-Toldot ha-Yishuv ha-Yashan* (Tel Aviv, 1971) pp. 28, 30.

39 Ibid. See also Malahi, etc. pp. 31-32

Later in the same letter, he added:

"Of those who remained alive, there are 150, . . . invalids, . . . and from the kolel of the Sephardim, most were killed as a result of our numerous sins. And also, the great rabbis. . . Rabbi Abraham. . . Rabbi Nissim Azulay. . . Rabbi Hayyim Yosef Zarfati. . . . [were killed]. Altogether in Safed two thousand persons were killed and in the Holy City of Tiberias many were killed, but some *hakhamim*, rabbis and leaders of Tiberias were saved, including the wondrous Rabbi Hayyim Nissim Abulafia, who was saved but his leg has been broken."<sup>40</sup>

Rabbi Israel dispatched his son-in-law, Rabbi Isaiah Bardaki<sup>41</sup> with Arie Marcus Ne'eman to the Galilee with money borrowed from the Sephardim in Jerusalem. Their task was to bury the dead and to assist the survivors. Rabbi Israel related that

"Now there remains upon me the debts of all those individuals to whom we lent upon the security of their houses and upon the hope that [the government would pay those] who were robbed by the rebels in the summer of 1834. . . and now this hope is diminished, for thousands of Muslims were also killed in Safed and I now have to pay the debts [and]. . . to heal and to tend to the sick and the broken, to save those that are healthy, to house them, and to sustain them."<sup>42</sup>

Rabbi Israel offered this explanation of how he himself was saved,

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40 Ibid.

41 Ibid.

42 Ibid.

"the Lord, may he be blessed, saved me and my household by sending me here [to Jerusalem]. . . and I was here on the Sabbath Eve of the 10th of Tevet with some *talmidei hakhamim*, my loved ones and my students."<sup>43</sup>

During the earthquake it transpired that the buildings constructed by the Egyptians during their eight-year rule in *Erez Israel* [which ended in 1840) were of a much higher standard than those previously known in *Erez Israel*, and many survived the earthquake. Rabbi Israel noted that his wife and daughters were taking the waters in Tiberias at the time and that they survived the earthquake only because they were in

"the new building housing the spas of Tiberias, built by the ruler of Egypt [i.e. Muhammad Ali and] - not even one stone fell from it."<sup>44</sup>

The Hasidic leader Rabbi Abraham Dov of Avrutch also described the effects of the earthquake:

"Behold, a huge and terrible earthquake. . . and many people among the Jews were killed - more than half the number of the people were here, and those that remained alive were envious of the dead as a result of the great suffering that they suffered afterwards. They were thrown outside, this with his hand broken, this with his leg broken, and they were naked and barefoot and had no cover from. . . the rain."<sup>45</sup>

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43 Ibid. p. 363.

44 Ibid.

45 Izhak Ben Zvi, *Me'ora'ot Zefat Mibizat taf kuf zadi daled, ve'ad Meridat ha-Druzim be-Shenat taf kuf zadi het, Sefunot*, Vol. 7, 1963.

The disastrous effects of the earthquake were compounded by criminals who seized the opportunity to loot and rob. For example, a Shabtai Behar Josef of Safed, a moneylender and obviously a man of some wealth, escaped the earthquake seconds before his house collapsed. He was robbed, probably after his death (although it is possible that he was murdered), and his body was buried in an unknown grave by the robbers. His mother related that she was sitting with him in the house

"and when he felt that the earth moved he said to his mother 'Let us arise and leave' ... and he escaped barefoot and without his top clothing, but his mother did not manage to leave the inside of the house and the house collapsed upon her as she was at the entrance but she survived ... and they searched throughout the house; maybe he did not manage to leave and he was not seen again ... and they had workers search and dig for him within the distance of ten *amot* north and south for there was no time for him to escape any further [than that] and everything was extremely dangerous, even if he'd have gone fifty *amot* he would not have lived because from all sides the houses collapsed on to the roads ... Meanwhile, as they were searching, people came and said to them do not waste your money for your son has already been ... buried. And the mother cried ... and said that her son had much money on him and doubtless it was taken from him and he was buried in some place."<sup>46</sup>

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46 Rabbi Abraham Hayyim Gagín, *Hukkei Hayyim*, p. 28 Para. 16, (Jerusalem, 1843).

As there was no conclusive proof of Josef's death, his wives were not free to remarry. A *Responsum* of Rabbi Hayyim Gagin describing the above events tells that some time after the earthquake, the community gathered on the Sabbath before the Passover (*Shabbat ha-Gadol*). All were asked to give testimony regarding the deaths of members of the community in order to enable the widows of those who had disappeared to remarry. In this gathering

"we found that there was one man who wanted to testify [regarding Shabtai Behar Josef] but was afraid ... and he told the other people that if they did not seek the money he would point out the people who buried him so that they should come and testify [regarding his death] and they did so in front of the *Bet Din*."<sup>47</sup>

Only if the family promised - in writing - that nothing would be done to those who had evidently robbed Shabtai Behar Josef would the witnesses show the *Bet Din* where he had been buried.<sup>48</sup> The mother, however, refused to grant such a waiver to the potential witnesses, so they did not actually come forward to testify. The sole witness was the person who claimed to know the actual witnesses, but had not himself witnessed Behar's death. Rabbi Gagin was asked to decide whether or not this second-hand testimony was good enough evidence to release the wives of Behar Josef from their *aginit* - i.e., could they remarry. Under the

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47 Ibid.

48 Ibid.

circumstances and on a technicality, Rabbi Gagín released the woman from *aginut*.<sup>49</sup>

Rabbi Yehoseph Schwarz, in a letter describing the halakhic and ritual customs of the Jews of *Erez Israel* to the readership of Abraham Geiger's newspaper *Wissenschaftliche Zeitschult fuer Judiche Theologie*, referred to a previous letter in which:

"I have told you in detail about the terrible earthquake in the two Holy Cities Safed and Tiberias and their surroundings in which several thousands of people were killed."<sup>50</sup>

Rabbi Schwarz noted that the Jerusalem community rallied to the support of the refugees from Safed:

"Most of the [those] whose lives were spared were left with neither roof nor possessions. [They] were warmly welcomed here and are supported generously by the Jews dwelling here."<sup>51</sup>

The earthquake remained fresh in the memory of the Jews of *Erez Israel* for a long time. For decades afterwards, the community marked the twenty-fourth day of Tevet as a day of mourning.

"This day has been unto us a day of mourning and weeping since 1834.... when

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49 *Hukkei Hayyim* (1843), p. 154b.

50 *Wissenschaftliche Zeitschult fuer Judiche Theologie*, vol. 4 (Wiesbaden - 1839) pp. 156-159.

51 *Ibid.* See also Malakhi, p. 47.



the ruins caused by the earthquake covered two thousand of our brethren."<sup>52</sup>

Rabbi Schwarz, a noted halakhic scholar, described other hardships endured by the Jewish community. During the period of Egyptian rule (1832-1840) he wrote:

"Generally we have here, may the Lord be thanked, plenty of foodstuffs and in the recent period we've also enjoyed a peaceful life. . . . The. . . thing that makes it hard for the Yishuv here is the terribly high cost of living, which began [to rise] after my arrival here and is getting worse. So, for instance, a few years ago, a measure of wheat cost 70 *prutot* and today 400 *prutot*. A certain quantity of oil cost 15 *prutot* and today is 55 *prutot*."<sup>53</sup>

Rabbi Schwarz, who possessed a keen, analytic eye, gave his explanation for this inflationary spiral

"the main reason for the high prices is the large army brought to *Erez Israel* and particularly into Jerusalem after the recent revolution by Ibrahim Pasha from Egypt in order to secure the land; and [also] the heavy taxes placed upon

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52 Rabbi Benjamin Wolff Halevy, *Ha-Levanon*, year 7, issue 4, (1870). See also Malakhi, pp. 47-59 where he quotes *Kinnot* composed in London and Poland in memory of the victims of the disaster.

53 *Wissenschaftliche Zeitschult fuer Judiche Theologie*, vol. 4 (Wiesbaden - 1839) p. 307

the dwellers of the land,<sup>54</sup> in particular upon the peasants."<sup>55</sup>

The rule of Ibrahim of Egypt brought a much-needed but short-lived measure of stability and order. It temporarily allayed the administrative chaos that reigned in *Erez Israel* as a desolate and neglected backwater of the Ottoman Empire.<sup>56</sup>

In some aspects of everyday life, however, the general anarchy prevailing before to Egyptian rule had been a boon to the inhabitants of *Erez Israel*:

- 54 During the period of Egyptian rule, the Moslems were required to pay taxes in the same way as did the *Dhimmi*. This resulted from the introduction of the *firda*, which was a tax levied on every male over the age of 12. This tax was progressive in relation to the authorities' evaluation of personal wealth, ranging from 15 to 500 piasters. This tax caused great resentment because not only were the Moslems insulted by being treated in the same way as the *Dhimmi*s, who had to pay a similar poll tax (the *cizye*) but also because the Egyptian tax system was far more efficient than the creaky and corrupt machinery of the previous Ottoman rulers. See T.V. Parfitt, *Jews in Palestine*, p. 165, also Ma'oz, p. 16-17
- 55 *Wissenschaftliche Zeitschult fuer Judische Theologie*, Vol. 4 (Wiesbaden - 1839) p. 309.
- 56 Rabbi Hayyim Nahum Mizrahi, the Sephardi Chief Rabbi of Safed, described (in 1839) the Jewish reaction to Egyptian rule:

"And when these lands were taken by our great master, the famous king, Muhammad Ali Pasha, Israel rejoiced, for as he was a powerful king, he based [the administration of] the country upon law. And in the first year of his reign, all those who had been exiled came back to this city to be under his protection. . . ."

Izhak Ben Zvi, *Me'ora'ot Zefat Mibizat taf kuf zadi daled, ve'ad Meridat ha-Druzim be-Shenat taf kuf zadi het* (Jerusalem, 1963), *Sefunot*, Vol. 7.

"from this last point [i.e. the taxes] there was here before the revolution [i.e. Egyptian rule] complete freedom; we didn't pay the authorities any tax or duty from the estates or from the fruit of the earth; therefore it was possible to sell foodstuffs extremely cheaply. But after the revolution the face of Erez Israel changed. Enforcement of security [of the land] and obedience to the laws of the land are now effected by military force and this fact - even though there is a great blessing in it from the point of view of security and peace - puts a heavy burden upon the country and causes a general rise in prices."<sup>57</sup>

Rabbi Schwarz also described how the changes for some sections of the Jewish community as a result of the growing importance of the European consuls:

"The German and generally all the foreigners who come from Europe and are [thus] not Turkish subjects are called in the local parlance 'Frankos'<sup>58</sup> and are completely exempt from the . . . taxes. . . . May the Lord be blessed that we enjoy the special protection of the applicable European consul<sup>59</sup>, and

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57 *Wissenschaftliche Zeitschult fuer Judiche Theologie*, vol. 4 (Wiesbaden - 1839)

58 This term "Franko" , originally used to denote Europeans, was later used to denote Sephardim.

59 Sometimes the legal authorities of consuls worked to achieve unexpected results. In the *Responsa Avlat Ish*, (Jerusalem, 1899), there is a description of the following situation: a certain person who had

"three married daughters and one unmarried but who was grown in years ... and he was an old man and was unable to marry her so he gave his ... unmarried daughter all his estate ... and this was written in a gift document made up properly and according to the Torah and

that the burdensome laws of the land have nothing to do with us."<sup>60</sup>

With Egyptian rule and the growth of consular power, the people of *Erez Israel* began to adopt a more cosmopolitan outlook. For example, whereas before,

"a European man dressed in Western clothes was liable to be publicly insulted and to be injured by the crowds - and for this reason I saw myself forced, when I came to Erez Israel, to change my German clothes into Turkish clothes - now he [the European man] is treated with honour and with a welcoming face. Before a court I always appear in German clothes, and then they relate to me as a Franko with specially good treatment."<sup>61</sup>

Rabbi Schwarz described how the army billeted its men arbitrarily, and by force, in every city of Palestine.

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properly witnessed, and afterwards given to the unmarried daughter."

J. S. Elyashar, *Responsa Avlat Ish, Hoshen Mishpat*, Section 5, p. 57b.

Upon the death of Reuven, one of his married daughters refused to accept the validity of the gift.

"She brought her case before the foreign consul for her father was foreign and the consul ruled that the deeds drawn up had no validity [under the applicable law] and all the daughters were to share equally between them in the estate."

Ibid.

60 *Wissenschaftliche Zeitschult fuer Judiche Theologie*, vol. 4 (Wiesbaden - 1839) p. 309.

61 Ibid. p. 308.

Rabbi Schwarz, however, received special treatment as a "Franko."

"Two days before the arrival of the army into a city, an officer and two men inspect all the houses, and when he sees [a] suitable [place] for his purpose, he orders [the inhabitants] in a fearsome voice to vacate the entire house by the appointed date. And thus he goes from house to house until place is found for the entire army. The wretched family. . . has to leave its house, sometimes for years. . . in fear or panic. . . and woe to the family that refuses to obey. And behold, about a month ago the garrison here was increased substantially, and in the above-mentioned manner, three fearsome people [looked for] the required apartments for the extra troops."<sup>62</sup>

Rabbi Schwarz related how he almost lost his own residence:

"My house, it seems, found favour, because these uncalled-for guests visited it and it was seized; I was ordered to leave my apartment, . . . against my will within 48 hours and to clear it for [the use of] my uninvited guests. However, when I hinted to them that I was German - a Franko - they apologized for their mistake and left me in a friendly manner."<sup>63</sup>

The recruitment of troops for the army was carried out in what Rabbi Yehoseph Schwarz described - employing supreme understatement - as "an original manner."<sup>64</sup> Thus he related that

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62 Ibid.

63 Ibid. p. 309.

64 Ibid.

"in the middle of the night, a few army officers entered into the houses of the city, and dragged out with them all the able-bodied among the youths to the army. This carries on until the quota of the army required from that city is completed. During all those days, the gates of the city are shut also during the day, and in the streets of the city there are guards so that no man can escape - anyone who escapes is brutally punished. Conscription is different among the dwellers of the villages; there they call the head of the village [called a sheik]<sup>65</sup> and order him to bring from among his peasants a certain number of men for the army by the appointed day. And if he does not do so, his blood be upon his own head. One cannot describe the panic and the wailing that this order of conscription arouses amongst the town and city dwellers."<sup>66</sup>

Jews were not conscripted into the army,<sup>67</sup> but they were affected by the arbitrary billeting as well as by the general state of panic engendered by the "original manner" in which the recruitment was conducted.

In examining the reports of disaster and poverty emanating from *Erez Israel*, care must always be taken to examine the claims in the context of historical perspective and to allow for the ulterior motives of some of the writers. A good example of this is the early rabbinical publication called

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65 Brackets in the original.

66 Ibid.

67 "The Jew is quite exempt from military service - the idea of employing him as a combatant would seem an absurdity to the Moslem." H. L. Dupris, *The Holy Places* (London, 1856), II, p. 34. See also T.V. Parfitt, *Jews in Palestine*, p. 2.

*Mishpat le-Elokei Yaakov*,<sup>68</sup> a *Moghrabi* pamphlet, which aimed at propagating a political message (its intention was to separate the *Moghrabi* community from the Sephardi mainstream in order to facilitate the raising of funds for the *Moghrabi* community.) This pamphlet employed wild exaggerations about the living standard of the Sephardi community.

"We are poor, and have close to a thousand people. . . and none have mercy upon us... The Sephardi inhabitants of Jerusalem are extremely wealthy and clothe their women<sup>69</sup> with expensive clothes and jewels and gems."<sup>70</sup>

The Sephardim, suffice it to say, would not have recognized themselves by this glowing description of their prosperity.<sup>71</sup>

The difficult conditions under which most Jews were forced to live persisted throughout most of the century. In 1867, Rabbi Kahanov wrote

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68 Printed Jerusalem, 1847. As stated in an earlier note, this extremely rare pamphlet is found in the National and University Library in Jerusalem and there is a response to the pamphlet *Edut le-Israel*, which was published under the auspices of the *Rishon le-Zion* Hayyim Gagim, which attacked the *Moghrabi* community and in particular Rabbi Jacob Turgeman.

69 Although we see that Sephardi rabbis published an admonition aimed at stopping women from flaunting jewelry and fine clothes. However, the *Mishpat le-Elokei Yaakov* proposes that generally the Sephardim were wealthy, a fact belied by other sources - see Chapter 10.

70 *Mishpat le-Elokei Yaakov*.

71 The *Moghrabi* community turned to the British Consul in its efforts to achieve independence from the Sephardi community.

"if only you, my dear brother, knew even a little of the pressure and poverty that the sons of Jerusalem suffer all their lives, most of whom live in rickety and narrow and short apartments, and of these, some are completely alone, some of them are for just a couple - a man and his wife. . . what happens to this poor man. . . when, Heaven forbid, one of his household falls ill. "72

Rabbi Kahanov described a generally bad standard of health

". . . even amongst the Jews who have been living here for a long time . . ."73

and who are therefore accustomed to the poor sanitation and to the weather.

". . . there are always many sick people. . . and there are those that explain. . . that the suffering that the people go through are as a penance, also, for the Jews of the Diaspora..."74

Rabbi Kahanov described the unhealthy conditions in Jerusalem, where the streets are full of

"refuse and stones."75

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72 *Sha'alu Shelom Yerushalayim*, pp. 61-62.

73 Ibid.

74 Ibid. Dr. Neumann, the doctor in charge of the Rothschild Hospital, had to deal with many sick people within the hospital as well as a great number of outpatients. Titus Tobler, in *Dritte Wanderung Nach Palastina im Jahre 1857* (Gotha, 1859), p. 324, states that Neumann had to write such a large

"quantity of prescriptions every single day, as would make a person like myself feel dizzy".

See Gat p. 127.

75 Ibid.



Not surprisingly, in view of these circumstances, Rabbi Kahanov was enthusiastic about the establishment of the Rothschild Hospital:

"there is no value that can be placed upon this great project!"<sup>76</sup>

Kahanov also described the *Bikur Holim* Hospital as

"being very careful in the matters of extra cleanliness and proper conduct, in the way that a hospital would be run in Europe. They have also planted a beautiful garden in the courtyard of the *Bikur Holim* Hospital. . . and everything is so well done. . . and wondrous. Any person who stands in the courtyard and his eyes see the beauty of the buildings and their cleanliness and their glory, it would seem to him that he is standing in one of the courtyards of the royal city of Petersburg."<sup>77</sup>

Rabbi Kahanov described how many people came to Jerusalem in their old age and found that they had to fend for themselves, unable to afford help:

"many individuals who have come here in their old age are ... without any help, or [perhaps] they have come here [together as man and wife] and the spouse died.... The bitterness of the lives of these lonely people cannot be expressed on paper - they must eat. . . bread and water and no more, and they have no money to hire a cook because they can hardly afford the bread which they eat."<sup>78</sup>

76 Ibid. p. 62. See Gat pp. 133-136; Eliav, *Erez Israel*, p. 232

77 Ibid. p. 65. See Gat pp. 137-139; Eliav *Erez Israel*, pp. 233-234

78 *Sha'alu Shelom Yerushalayim*, p. 66.

A soup kitchen was set up in order to help these elderly people. Fifty or more came daily to obtain a meal.<sup>79</sup>

There was a spirit of mutual assistance within the community. Rabbi Kahanov described how the impoverished inhabitants of the city helped each other:

"many give a tithe. . . many even give a twentieth of all that they have, and some give even more, and generally the inhabitants of the Holy City. . . are generous and merciful and bestowers of loving-kindness each upon the other. . . and they help each other during difficult times."<sup>80</sup>

Very few people could afford meat during the weekdays:

"Can the poor [man] taste meat during the weekdays? Can he afford to pay for one pound of meat the sum equivalent to 25 kopecks - and milk from the end of summer until the month of Adar. . . 20 kopecks? The poor are as many as the sea!"<sup>81</sup>

Even for those who could afford to eat well, good food was usually scarce. Kahanov related that the butter was of poor quality and expensive, and the same applied to chicken.<sup>82</sup> Kahanov, responding to foreign criticism about the demands that *Erez Israel* Jewry perpetually made upon their brethren abroad, said

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79 Ibid. See Eliav, *Erez Israel*, p. 238.

80 Ibid. p. 68.

81 *Sha'alu Shelom Yerushalayim*, p. 77.

82 Ibid. Compare with table of living costs in Gat, p. 55.

"Tell me my friend! It is possible to live without butter - so you have spoken! And I for myself have hardly tasted butter all the days that I have been in the Holy City, but what should those do who require it? What should the young food on if they have been accustomed, abroad, to good things? What will a woman give her newborn baby? And a woman who gave birth. . . how should she restore her health? And even one who manages without meat and without butter. . . even vegetables are very expensive here, and a bowl of vegetables for the feeding of a man and his family without meat and without milk. . . costs 20 kopecks."<sup>83</sup>

Rabbi Kahanov rebutted criticism from those Jews abroad who seemed unaware

". . . of the parchness that the people of Jerusalem suffer, the pressure and the poverty. . . and it is enough to understand from the small amount that I have told you the bitterness of their life and their awful pressure, their income and their expenses, and it should not come as a surprise at all that they cry out and perpetually request assistance from the people of the Diaspora. . . for their families starve for bread, for the creditors surround them and behold, [they struggle] with the power of his poverty and as long as he has time he sells his chattels and all that he has, and when all these possibilities come to an end, he must to the bitterness of his soul part from his family who are dear to his soul to exile himself from the land of life. . . to knock upon the doors of philanthropists. . . in order to help his family survive so that they do not die in famine...."<sup>84</sup>

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83 Ibid. p. 78.

84 Ibid.

As late as the 1860's, the typical married couple in Jerusalem inhabited one room.<sup>85</sup> Buildings were built very close to one another and were very cramped. Many of the cases brought before the rabbis revolved around the proximity of buildings to one another and in particular the disturbance cause by a neighbour opening windows in walls which faced toward other houses or courtyards.<sup>86</sup>

Even water was sometimes scarce. It was frequently necessary to purchase water from Arabs. Some Jewish houses and *hazerot* had a supply of water provided by wells. This well water was not always potable, and a crude filtering process was employed to clean the water. Rabbi Abraham Hayyim Gagin refers to this filtering process whereby three people would be involved in dealing with the water obtained from the well: one would draw the water from the well and pour into a cloth sieve held by the other two persons.<sup>87</sup> Rabbi Gagin was asked to consider whether this filtering was permissible on the Sabbath day.

Some *hazerot* had

"good wells and few tenants, and then the water would suffice them close to a year, providing. . . that the year was blessed with rains. . . but there are

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85 *Sha'alu Shelom Yerushalayim*.

86 See for example A. Azryel, *Responsa Kapei Aharon* (Jerusalem, 1886) p. 97 Sub-Section 4. See *Sha'arei Rahamim* (Jerusalem, 1881); *Hoshen Mishpat* Section p. 5b Section 3 and p. 6a Section 4.

87 *Hukkei Hayyim*, (Jerusalem, 1843), p. 2b Section 3.

*hazerot* that the water would not suffice for more than half a year. . . ."88

In such a case, people had to

"purchase new water for several months for around a hundred piastre."89

Eventually, of course, new Jewish suburbs were built outside the city walls to relieve the housing shortage. In 1867, Rabbi Kahanov described how the new housing projects outside of Jerusalem, such as *Nahalat Shiva* and *Me'ah She'arim* were not cut off from the walled city despite their distance, even at night. In general, he described a surprisingly good security situation.

"And now in our times, there is no fear nor fright. Toddlers and babies, led by a little boy. . . conducting them can go as far as two or three miles, day or night, and there is no mishap, as they had not yet gone past the city limits. . . even when he walks in the deserted night. . . he will always find or meet bands of people, sometimes with gas lamps in their hands, some going east and some going west. These and the others say 'peace! - everything is peaceful! Who do you belong to and where do you go?' One would ask the other. 'We are all the descendents of one man - we are all the inhabitants of the Holy City' would be their answer. 'We make our way to Me'ah She'arim, and you and your friends, whence are you heading?' they would ask. . . 'To Mishkenot Israel we are going!' 'And we, to Bet Yaakov,' would answer a third band, 'for there is

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88 *Sha'alu Shelom Yerushalayim*, p. 72.

89 *Ibid.* A *piastre*, also called a *grush*, was 1/100 of a Turkish pound. The Turkish pound in 1880 had a value close to that of the pound sterling; see *Gat*, p. 52-54.

where we live.' 'Go in peace,' they respond one to another."<sup>90</sup>

Kahanov told that Diaspora Jews built houses in the new housing developments outside Jerusalem, renting out the property if they did not live there themselves.<sup>91</sup>

Rabbinical literature refers to a variety of other social phenomena to be found in Jerusalem during the nineteenth century. For example, a book entitled *Sefer Me'orei Bet Yizhak*,<sup>92</sup> which was an exegesis on the tractate *Berakhot* of the Talmud, was published in 1866. The book also referred to the widespread custom of child marriages. The preface to the book says

"I was not yet bar mitzvah [13 years old] when I was tied in marriage to the daughter of an important *talmid hakham* and a righteous man. . . who called by all Rabbi Shmuel Pozitzer."<sup>93</sup>

The rabbis tried to discourage child marriages, but the practice was too widespread to be entirely stamped out. From Rabbi Abraham Hayyim Gagrin's *responsa*, *Hukkei Hayyim*,<sup>94</sup> one can infer that there was a *takkanah* in the precincts of

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90 *Sha'alu Shelom Yerushalayim*, pp. 105-6. Compare with other reports of general lawlessness and danger in the vicinity of Jerusalem; see, for example, Malakhi p. 128.

91 *Sha'alu Shelom Yerushalayim*, pp. 110-11.

92 Uri Yizhak Isaac, *Sefer Me'orei Bet Yizhak* (Jerusalem, 1866).

93 *Ibid.* p. 2.

94 *Hukkei Hayyim*, (Jerusalem, 1843), p. 4b.

the city of Jerusalem that a bride should be no less than twelve years old:

"There is a holy agreement. . . that it was agreed in a *herem* that a girl less than the age of twelve shall not be married. . . and thus, some go outside of the city limits and make the marriage there. . . but in the *ketubah*, they used to write [that the wedding was solemnized in] Jerusalem."

Rabbi Gagin questions this practice and demands to understand how, if people want to avoid the *herem*, they write the name of the city in a *ketubah*. It seems obvious, though, that brides in Jerusalem were often less than twelve years old.

If, for a woman, the minimum age for marriage was officially set at twelve years, the men had to marry before they reached twenty, and there was a *takkanah* that no man was permitted to live in the Holy City of Jerusalem for more than one year if he was unmarried after this age.<sup>95</sup>

The *takkanah* referred to the claim of a bachelor who protested that he was unable to marry a wife for economic reasons. This protest was unacceptable in the eyes of the rabbis, and they gave the bachelor an extra year to marry a woman.

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95 *Takkanot Yerushalayim*, p. 41a.

"If he is unable to marry a woman, he must leave the city and go to live abroad."<sup>96</sup>

It should be noted that this *takkanah* was in force at least until the year 1875, and it is known that Aryeh Frumkin, who arrived in Jerusalem, was forced to leave the city after he had stayed for one year without getting married.<sup>97</sup>

Marriage, divorce and a demographic imbalance between the sexes seemed to concern writers from the beginning of the century. Rabbi Hayyim Ben Tuvia Katz wrote: "let not men come here without women."<sup>98</sup> There also seemed to be a problem with divorced men arriving in *Erez Israel* with questionable bills of divorce (*gittim*) which they produced in support of their claim that they were entitled to remarry. Sometimes men who were thought to be divorced turned out to have documents which were dubious, resulting in doubt over the validity of their marriage to one of the local women. Rabbi Katz stated that

"anyone who does not bring good evidence given by respectable people that he has given a *get* to his wife which she accepted willingly... will not be able to marry here."<sup>99</sup>

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96 Ibid. p. 41b.

97 See E. Rivlin's preface to A. L. Frumkin, *Toldot Hakhmei Yerushalayim*

98 *Iggrot Erez Israel*, p. 341.

99 Ibid.



With regards to polygamy, theoretically permitted for Sephardim, indications are that it was rare. This can be deduced by the disapproving tone adopted by the *Bet Din* in Jerusalem when they wrote about a Diaspora Jewish community that

"it was the custom in their city to take two wifes, and none protested against them."<sup>100</sup>

Although polygamy was not practiced generally in Jerusalem, we have evidence that outside Jerusalem there were Sephardim with two wives. For example, in the *responsa* concerning a moneylender called Shabtai Behar Josef, there is reference to his disappearing during the earthquake which occurred in Safed in 1837. The question put to Rabbi Gagin refers to his first wife and his second wife together with his mother and says that "the three of them" were searching for the missing person.<sup>101</sup>

The rarity of polygamy is also indicated by the *responsa* of the *Moghrabi* leader, Rabbi David ben Shimon (known as *Zuf Devash* - an acronym of his name that also means "nectar of honey") when dealing with the request by a husband who wished to marry a second woman, because his first wife did not

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100 Rabbi Jacob Saul Elyashar, *Pithei Pi Ish*, (Jerusalem, 1888) p. 211b.

101 *Hukkei Hàyyim*, (Jerusalem, 1843), p. 28a Section 17.

"bear him any surviving children."<sup>102</sup>

The very question indicates that marrying a second woman required rabbinical sanction and was not a matter of course. In this case, the wife requested that the *Bet Din* instruct the husband to give her her *ketubah* and divorce her before he married a second wife. The *Bet Din* decided in favour of the wife.<sup>103</sup>

The rabbis also found it necessary to interfere with apparently-widespread superstitious practices. *Sefer Kenesiyah le-Shem Shamayim*, an essay by Rabbi Avraham Ezriel, strongly condemned superstitious practices. The treatise contains lengthy *responsa* by Rabbi Moses Pardo and Rabbi Samuel Heller. The huge list of rabbis and scholars - practically a directory of important rabbis of the time - who endorsed this work attests to the concern such practices obviously aroused. More than 250 signatures, from all parts of *Erez Israel*, as well as a few from Beirut and Damascus, can be found at the end of this work.<sup>104</sup>

The line between unacceptable pagan rites and accepted Jewish mysticism could be blurred. In 1874, the venerable Rabbi Samuel Heller, the head of the *Bet Din* of Safed, published a work called *Kunteres Kevod Melakhim*. The work

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102 Aharon Azriel, *Responsa Kapei Aharon, Kapot ha-Manul* (Jerusalem, 1874), p. 159a.

103 Ibid.

104 Abraham Ezriel, *Sefer Kenesiyah le-Shem Shamayim* (Jerusalem, 1854) p. 3.

condones the practice of burning valuable and expensive clothes in Meron on *Lag ba-Omer* in honor of the mystic scholar Rabbi Shimon bar Yohai. Heller defended this celebration as legitimate mysticism, and Rabbi Abraham Ashkenazi, the *Rishon le-Zion*, endorsed the work.<sup>105</sup>

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<sup>105</sup> Samuel Heller, *Kunteres Kevod Melakhim* (Jerusalem, 1874), pp. 1-8.

**CHAPTER X**  
**SEPHARDIM AND ASHKENAZIM**

"We are the more numerous and we are the citizens of this country."

Rabbi Shalom Moses Hai Gagin<sup>1</sup>

"And after much weariness, we have come out from under the rule of the Sephardim."

Rabbi Israel of Shklov<sup>2</sup>

Relations between Sephardim<sup>3</sup> and Ashkenazim were always fragile, and the two quotations above are intended to reflect one aspect of the tension between the indigenous

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1 S. M. Gagin, *Responsa Yismah Lev*, (Jerusalem, 1878), *Even ha-Ezer*, Section Mark 4, p. 7.

2 A. L. Frumkin, quoted in *Sipur Hatalat Yishuv ha-Ashkenazim ha-Nikraim Perushim - Zion Me'assef B*, (Jerusalem, 1927), p. 135.

3 Sephardim: the descendents of Jews who lived in Spain or Portugal before the expulsion in 1492. While Sephardim and Ashkenazim do not differ in the basic tenets of Judaism, there are great differences in matters of detail and outlook. Sephardim follow the codification of Rabbi Joseph Caro (*Maran* - "our master") in the *Shulhan Arukh* in matters of religious law, without having any regard to the strictures of Rabbi Moses Isserles, whom the Sephardim call *Moram*, "their teacher" i.e. of the Ashkenazim. The synagogue service of the Sephardim differs considerably from that of the Ashkenazim, as do many religious technical terms. The Sephardi element within the Jewish people contracted both in importance and demographically after the middle of the seventeenth century. During the Middle Ages, the Jews of Spain formed somewhere in the region of half of world Jewry. Their relative, but not absolute numbers declined from the mid-seventeenth century. In the modern period, the Ashkenazi element within the Jewish people has constituted approximately nine tenths of all the Jews. Before the Holocaust, of the approximately 16,500,00 Jews in the world, about 15,000,000 were Ashkenazim, and only 1,500,000 were Sephardim and other non-Ashkenazi communities. Only in *Erez Israel* during the period under consideration were the Sephardim to hold greater power and numbers than the Ashkenazim. See also Roth, *World of Sephardim*, 1954; and H. J. Zimmels, *Ashkenazim and Sephardim*, (London, 1958). See Table 2. See also Hayyim Raphael, *The Road from Babylon - the Story of Sephardi and Oriental Jews*, (London, 1985).

Sephardi community in *Erez Israel* and the newly-arrived Ashkenazim. In general, their relationship can best be perceived on two separate levels. On the first - a political and economic level - the struggle between the two communities was intense and sometimes harsh. On the second - the human level - the struggle for power was absent: rather, the prevailing attitude of the two sides was that they were members of a single nation whose goal was to serve Judaism. Not surprisingly, therefore, individuals tended to contradict themselves when dealing with inter-community relations. Also, in public, people - particularly those in positions of leadership on both sides of the communal divide - took a conciliatory, optimistic and sometimes even a excessively rosy view of the state of the relationship between the two communities. In private, however, the inter-communal resentments were often given full rein.

"There is no difference between the Sephardim and the Ashkenazim except for dress and language. . . In other matters, all are equal."<sup>4</sup>

This contrasts with:

"Please dear Sephardi and Ashkenazi brothers! remove from yourselves all jealousy, hate and competition. . . ."<sup>5</sup>

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4 Rabbi Israel of Shklov, as quoted in *Ha-Levanon*, (November, 1875), volume 13, p. 101.

5 Rabbi Jacob Saul Elyashar as quoted in *Yehudah vi-Yrushalayim*, ed. G. Kressel, (Jerusalem, 1955), p. 162.

The role of the historian is also complicated by the style of writing and the flowery expressions that were common among the people of *Erez Israel* at that time. Elaborately friendly addresses from one section of the community to another cannot disguise the suspicion and antagonism, often quite profound, that informed their relations during parts of the 19th century.

At the beginning of the nineteenth century, the balance of political and economic power lay in the hands of the Sephardim. There had been no organized Ashkenazi community since 1721, when the Ashkenazi Jews of Jerusalem were forced to flee the in wake of a violent attack by Arab creditors. Since this dissolution of the Ashkenazi community, individual Ashkenazim had, however, continued to visit and live in the city. Generally, they took pains to disguise themselves as Sephardim, as the Arabs viewed all Ashkenazim as responsible for the outstanding debts. It was only in 1812, when the survivors of the plague from Safed began to arrive in Jerusalem, that larger numbers of Ashkenazim began living in Jerusalem. Rabbi Yehoseph Schwarz, in his book *Tevuot ha-Arez*,<sup>6</sup> informs noted that from 1812:

"Ashkenazim came to Jerusalem. Some of these wore Sephardi clothes. . . and they were very few."

6 Printed Jerusalem, 1845. Reprinted with comments by A. M. Luncz (Jerusalem, 1900).

7 Y. Schwarz, *Tevuot ha-Arez*, Luncz (ed.) (Jerusalem, 1900), p. 471. See also Frankl, *Yerushalaima*, p. 179;

Some of the group that fled from Safed during that plague year remained permanently in Jerusalem and, later, formed the core of a renewed Ashkenazi community. At the head of this group was Rabbi Menahem Mendel of Shklov. In 1816, Rabbi Menahem Mendel wrote that:

"I have now established my residence in the Holy City of Jerusalem. . . and the Lord has given me a place for a yeshivah."<sup>8</sup>

The author of the book *Hibbat Yerushalayim* noted that

"thanks to the Lord from the year 5576 there has been established, here in the Holy City of Jerusalem, a community of Ashkenazim."<sup>9</sup>

It is obvious, therefore, that the Ashkenazim in Jerusalem began to organize as a community in 1816. As the Ashkenazi community grew and became established, it was inevitably to come into increasing conflict with the Sephardim.

It is noteworthy that opportunities for a conflict between Sephardi and Ashkenazi communities outside of *Erez Israel* were very limited. The divide between Ashkenazim and

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A.M. Luncz, *Yerushalayim*, (Jerusalem, 1909), no. 13, p. 222.

8 A.M. Luncz, *Yerushalayim*, Vol. 4, (Jerusalem, 1872), pp. 114-5.

9 Hayyim Halevi Horowitz, *Hibbat Yerushalayim* (Jerusalem, 1844), (reprinted Jerusalem, 1964), p. 123. Compare Moshe Raysher, *Sha'arei Yerushalayim* (Warsaw, 1872), p. 16.



Sephardim throughout the world was geographical as well as ethnic. Geographic realities dictated that there were relatively limited points of contact between the two communities. In fact, *Erez Israel* was the only area in the modern period where significant numbers of Ashkenazim and Sephardim lived in close proximity. Although there was contact in such places as Hamburg, Amsterdam and London, the communities in these cities were numerically and socially very restricted. Only in *Erez Israel* was there an intense focus on the relationship between the two major ethnic groups that made up most of the Jewish people in the 19th century.

Due to the fact that the Ashkenazim who immigrated to *Erez Israel* arrived at the beginning of the 19th century tended to stay away from the most important focal point of spiritual and communal authority - Jerusalem - real confrontation between the two communities was averted for some time.

As noted above, Ashkenazim were initially unable to settle in Jerusalem, as Arab creditors held all Ashkenazim responsible for the outstanding debts of the defunct Ashkenazi community of the previous century, which had been led by Rabbi Judah he-Hasid. Some of the Arab creditors

still held signed promissory notes which were legally binding on any Ashkenazi<sup>10</sup>.

The Ashkenazim who arrived in Jerusalem found themselves in a precarious position in comparison to the long-established Sephardim. They had scant legal status in the eyes of the authorities; few, if any, protectors and almost no important connections or influence with the government. On the other hand, the Turkish authorities recognized the Sephardim and accorded them formal rights and obligations. Indeed, as described below, the Turkish authorities refused to recognize the Ashkenazim as being Jewish at all.<sup>11</sup>

Furthermore, the influential Jewish communities near *Erez Israel*, in such places as Damascus and Constantinople, were all Sephardi. They had continual family and business contacts with their Sephardi brethren in *Erez Israel*, but little contact with the new Ashkenazi immigrants.

Indeed, in light of the disadvantages they faced, one of the most dramatic and significant events in Palestine during this period was the slow but certain drive by the Ashkenazi community to achieve parity with the Sephardim. Halakhic arguments raged back and forth, and appeals by the leaders of the two communities were made to international Jewish

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10 See Yitzchak Beck, *Mi-Ginzei Kedem: Teudot u-Mekorot Mitokh Kitvei Pinhas Ben Zvi Grayevski*, Yad Ben Zvi, (Jerusalem, 1977), p. 74.

11 Compare Elizabeth Anne Finn, *Reminiscences of Mrs. Finn*, (London, 1929), p. 54; Gat, p. 23.

opinion, but ultimately the Ashkenazi community, with its greater population growth (and, thus increasing power) gained all the economic and political rights and privileges of the Sephardim until in fact Ashkenazim assumed the *de facto* leadership of the Jews in Jerusalem.<sup>12</sup>

The main Ashkenazi goal during this period was the achievement of equal status with the Sephardim. The Ashkenazim also demanded sole rights to the *halukkah* that was received from European Jewry. They also demanded Sephardi recognition of their status as *francos* - foreigners under the protection of the European consuls which were based in *Erez Israel*. *Francos* were not liable for the taxes which Jewish citizens of Turkey (*ra'aya* Jews)<sup>13</sup> had to pay, among other advantages which are discussed in Chapter 9. Another important Ashkenazi goal was to obtain release from the debts that the Ashkenazi community had incurred in the previous century and, that achieved, to rebuild the great *Hurvah* Synagogue which had been seized by descendants of the original Arab creditors.

The Ashkenazim entered into detailed *halakhic* disputes with the Sephardi community regarding the Sephardi monopoly in matters of ritual slaughter (*shehita*). There were also

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12 See H. Haddad, *Jews of Arab and Islamic Countries*, (New York, 1984), pp. 98-100.

13 See B. Ye'or, *The Dhimmi - Jews and Christians under Islam*, (New Jersey, 1985), pp. 52-55 for a discussion on taxes such as *harac* - land tax, *cizye* - poll tax and *avariz* - irregular taxes.

disagreements over the jurisdiction of Sephardi *battei din*; and about the establishment of Ashkenazi cemeteries and burial societies (the *hevra kaddisha*).

Clearly, the only Ashkenazi goals that did not conflict with Sephardi interests were the cancellation of Ashkenazi debts and the rebuilding of the Hurvah Synagogue. All the others had political and economic implications that put the Ashkenazim on a direct collision course with established, entrenched Sephardi interests.<sup>14</sup>

While the Ashkenazi desire for economic and political independence was understandable, there was also another, ideological-dimension to the friction with the Sephardi community. The bulk of the Ashkenazim, the disciples of the Vilna Gaon, were fired by a powerful messianic-activist fervor, which required the active rebuilding of *Erez Israel*. This activist philosophy came to view the Sephardim unfavourably. For example, Rabbi Israel of Shklov, the leader of the *Perushi* community, regarded the veteran Sephardi *Yishuv* as an impediment to the activist concept of a broader settlement of *Erez Israel* and thus an impediment to the arrival of the Messiah. This view is evident in a document sent by the rabbis of the *Perushi* community of

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14 The Ashkenazim did in fact succeed in obtaining a *firman* canceling the debt and giving permission to rebuild the Hurvah. The text of the various *firmans* can be found in Grayevski, *Mi-Ginzei Yerushalayim*, pamphlets 1 and 128, 1937. See also Mordechai Salomon *Shlosha Dorot ba-Yishuv*, (Jerusalem, 1951), pp. 57-62 and 118-119.

Safed in an effort to obtain a *firman* in order to separate themselves from the Sephardi community.

"be strong, my brother, and buy both the world to come and this world in one hour, for all the settlement of the Holy Land depends on this (i.e. an independent Ashkenazi Yishuv)."15

However, in the early days of Ashkenazi settlement, the community was small and vulnerable, and it prudently opted to keep an extremely low profile and its views to itself. This was not only out of fear of Arab creditors in Jerusalem or of harassment by the authorities, but also because an expression of Ashkenazi long-term ambitions might inflame the Sephardi community and alienate its powerful political supporters and protectors such as, the Farhi family of Damascus.

The Ashkenazim were clearly intimidated by the Sephardi community. Sephardi approval was a prerequisite for even the most mundane requirements of Ashkenazi life. One example of this was the Sephardi disapproval of any increase in the size of the small Ashkenazi population in Jerusalem. At one point, Rabbi Israel of Shklov remonstrated with

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15 *Le-Toldot ha-Kehillah ha-Ashkenazit be-Erez Israel, Sinai*, volume 5, 1939-1940, p. 102.

Shlomo Pach<sup>16</sup> who had apparently persuaded an individual to move to Jerusalem.

"This is not a good thing and people of the Holy City are in much anger about this for it is not a good thing to increase controversy unnecessarily in *Erez Israel*, particularly as it is well known that we agreed that the rabbi, Menahem Mendel, may he live long, had decided that no one would go to [live in] Jerusalem without our agreement in Safed. Don't you know that there are [important people] angry about this and do not want this to happen? Only recently there has arrived a letter from the Righteous Master the father of Shlomo Farhi. . . with (a) warning. . . that they shall not let any more Ashkenazim in. And if one should anger them this will bring no benefit, and even an agreement obtained [from the government in] Constantinople is useless unless it has [the Farhis'] agreement."<sup>17</sup>

The inferior status of the Ashkenazim led to feelings of resentment and bitterness on their part. This became evident early in the 19th Century and continued for years to come. Relations in the early years were marred by suspicion and even enmity. Rabbi Israel of Shklov wrote to Shlomo Pach in 1823:

"we've heard that the neighbours [i.e. the Sephardim] from the Holy Cities of Jerusalem, Tiberias and Safed have written great accusations [to] all the

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16 Shlomo Pach was a member of the first Ashkenazi family to settle in Jerusalem in the nineteenth century. An important activist in Jewish affairs, he is one of the lay figures of the Period. See also Aryeh Morgenstern, *Shelihut Yerushalayim: Mishpahat Pach-Rosental: 1816-1839*, (Jerusalem, 1987), p. 26.

17 I. Warfel (Raphael), *Le-Toldot ha-Kehillah ha-Ashkenazit be-Erez Israel, Sinai*, volume 5, 1939-1940, p. 78.

[Jewish communities] in Constantinople and Germany with great lies. . . and have turned over our soul blood to the *goyim*."18

Rabbi Israel's negative reports about the Perushim, circulating in Europe and Turkey might peyorative effect the spending of the Ashkenazi community. This report demonstrates the depth of the ill feeling between the two communities.

Financial pressures added to the friction between the Sephardim and the Ashkenazim. Rabbi Israel of Shklov provided this description of an incident between the two communities<sup>19</sup> whereby the Sephardim involved the Turkish authorities in a dispute between them and the Ashkenazim:

"We are all in great trouble for we were all arrested. . . on the accusation that we owe the Sephardim 16 *kissim*."20

Rabbi Israel related how the Ashkenazi leaders were forced to appear before the *Qadi* (Muslim judge) and

"in the two days, we were forced to give to the governor close to 60 *kissim* - 38 *kissim* to him in his hand, and a further 2 *kissim*. . . . The Sephardim here gave three of their people power of attorney - Eliezer the *Shohet*, [ritual slaughterer] and Hava and Yitzchak. . .

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18 Grayevski, *Mi-Ginzei Yerushalayim*, (Jerusalem, 1938), pamphlet 17, p. 21.

19 Warfel, *Le-Toldot*, p. 93.

20 A *kis* was equivalent to approximately 5 pounds sterling.

and they all went to give us over [to the authorities.]"<sup>21</sup>

Throughout the nineteenth century, the Sephardi community claimed that as the first established Jewish community in *Erez Israel*, it had the "privilege of the firstborn" vis a vis the Ashkenazim.

Such a claim was not merely a matter of prestige. It had important economic implications as is described below. This claim was based partially on the legal advantages which were granted to the Sephardim by the Turkish authorities, e.g. the legal status of the *Hakham Bashi*, and on numerical superiority.<sup>22</sup> Temporal arguments alone, however, would have carried little weight in the eyes of the devout Jewish population in *Erez Israel* or world Jewry elsewhere for that matter. The Sephardi claim to supremacy needed to be rooted in *halakhah*.

A good summary of the halakhic position, as viewed by the Sephardim, is to be found in a *Responsa* work written by Rabbi Shalom Moses Hai Gagin. Rabbi Gagin laid out

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21 Warfel, *Le-Toldot*, p.93.

22 A primary Sephardi argument was that the Sephardi community was numerically superior to the Ashkenazi community, and that this, in itself, gave the Sephardi community a superior position over the Ashkenazim. This demographic inequality between the Sephardim and Ashkenazim continued into the late 1870's, when the Ashkenazi community assumed a numerical advantage over the Sephardim. See Table 2.



Table 2 - 378a

## Ashkenazim as a Percentage of the World Jewish Population

Year	Jewish Population	Ashkenazim	Percentage	Sephardim
1170	1,500,000	100,000	6.7	1,400,000
1300	2,000,000	300,000	15.0	1,700,000
1500	1,500,000	500,000	33.3	1,000,000
1650	1,750,000	700,000	40.0	1,050,000
1700	2,000,000	1,000,000	50.0	1,000,000
1800	2,500,000	1,500,000	60.0	1,000,000
1840	4,500,000	3,600,000	80.0	900,000
1860	6,000,000	5,200,000	86.6	800,000
1900	10,500,000	9,550,000	90.5	950,000
1930	15,900,000	14,600,000	91.8	1,300,000
1939	16,180,000	14,885,600	92.0	1,294,400?
1950	11,473,354	9,990,080	87.07	1,483,274
1954	11,763,491	10,018,608	85.16	1,744,883

Source: H.J. Zimmels, *Ashkenazim and Sephardim*, (London, 1958) pp. 97-98. The years under consideration by this thesis are printed in bold.

conclusively the policy of the Sephardi community toward the Ashkenazim and the halakhic basis for this position.

Written in 1860, this *responsa* dealt with the question of how Ashkenazim should behave on arrival in places where there were already existing Sephardi communities. Rabbi Gagin outlined the legal-halakhic implications, basing himself upon a *Responsa* by the revered author of the *Shulhan Arukh*, Rabbi Joseph Caro, in the 18th century. From the Ashkenazi point of view, Rabbi Gagin reached bold conclusions:

"if a large community [of Ashkenazim] arrive, they do not count vis a vis the original dwellers of the city even though they [the original dwellers] become a minority, and this is certainly so in the matter before us that not only were the Sephardim more numerous than the Ashkenazim at the beginning and therefore all should go according to the Sephardim, but also today the Sephardim are more numerous than the Ashkenazim and therefore it is an obvious matter that (the Ashkenazim) should accept the customs of the Sephardim."<sup>23</sup>

In other words, the Sephardim would permanently retain pre-eminence over the Ashkenazim by virtue of having been the first to settle in *Erez Israel*.<sup>24</sup> Naturally, Ashkenazi scholars and rabbis disagreed with both Gagin's analysis of

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23 Rabbi Shalom Moses Hai Gagin, *Responsa Yismah Lev*, (Jerusalem, 1878), *Even ha-Ezer*, Section Mark 4, see particularly p. 6, p. 2, and p. 7/1. The *Responsa* was sent to the former head of the *Bet Din* in Piotrkow, who had settled in Jerusalem.

24 See also H.J. Zimmels, *Ashkenazim and Sephardim*, (London, 1958), pp. 289-290, 304.

Rabbi Caro's words and, probably, with Rabbi Caro himself. Although Rabbi Joseph Caro was a revered halakhic figure even among the Ashkenazim, they did not accept his decisions as binding upon them, since he was a Sephardi authority.<sup>25</sup> Notwithstanding, this traditional Ashkenazi stance towards Caro, Rabbi Gagin expressed his dismay at the attitude of the Ashkenazim, which he described to be disrespectful towards "the great master", Rabbi Caro:

"I am very anxious regarding this failing. . . we are the majority and we are the citizens of this country. . . for without any doubt, we Sephardim are many more than they, and this notwithstanding what they allow themselves [to do]. . . . They do the opposite of that laid down by our holy master, blessed be his memory."<sup>26</sup>

Rabbi Gagin openly stated his belief that it was his right and duty, as a Sephardi authority, to lay down the law to the Ashkenazim.

"We have the right to educate . . . our brethren the Ashkenazim. We and they are the same, without any difference, for they have accepted upon themselves. . . , from the time they left their dwelling places abroad to dwell in this good land, - to leave their custom and their accepted [law]. . . and to hold new customs and acceptances. . . not that they accepted this specifically. .

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25 The Ashkenazim are bound by the commentary on the *Shulhan Arukh* of Rabbi Moses Isserles whose acronym was the REMA (1525? or 1530? -1572).

26 Rabbi Shalom Moses Hai Gagin, *Responsa Yismah Lev*, (Jerusalem, 1878), *Even ha-Ezer*, Section Mark 4. Ibid.

. but our holy Torah obliged them to  
[do] so. . . ."27

It should be noted that in some matters, Ashkenazi rabbis during this period did defer to the customs of the Sephardim and did base their halakhic decisions on Sephardi customs. An example is a decision by Rabbi Samuel Heller regarding uses of animal forms and images to decorate an Ashkenazi the synagogue in Safed. In his book, *Sefer Taharat ha-Kodesh*,<sup>28</sup> Rabbi Heller refers to the rebuilding of this synagogue in Safed after its destruction in the earthquake in 1837, and discusses whether it is permissible - in the light of the Third Commandment which forbids the making of images<sup>29</sup> - to install in the synagogue relief engravings of various animals. This kind of decoration had been popular and acceptable in many synagogues throughout Eastern Europe, but Rabbi Heller bases his decision upon the local Sephardi custom and states

"because throughout the Arab countries and all the Sephardi communities, may the Lord keep them and preserve them, have taken this matter to be an *issur*, I am therefore forbidden to permit matters that [the Sephardim] treat as an *issur*."<sup>30</sup>

Rabbi Heller describes the reaction of the Sephardim when faced with such decorations in a synagogue:

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27 Ibid. pp. 6b, 7a.

28 Rabbi S. Heller, *Sefer Taharat ha-Kodesh*, (Safed, 1864).

29 See Exodus 20:4.

30 S. Heller, *Sefer Taharat ha-Kodesh* (Safed, 1864), p. 12b.

"as we have seen. . . when a large crowd of Sephardim come before the days of *Lag ba-Omer*<sup>31</sup>. . . they all saw and were astonished, and it was foreign in their eyes and a desecration of the Lord's name. . . and a disgrace to the Ashkenazi communities."<sup>32</sup>

And he brings further support for this decision by mentioning Rabbi Joseph Caro, who

"is standing as if he is alive before us, and he is one of those who forbid this. How can we impudently disagree with him."<sup>33</sup>

This was precisely the sort of attitude the Sephardim expected from the Ashkenazim: deference to their customs and acceptance of their supremacy.

However, if the Ashkenazim were willing to accept Sephardi authority in small matters, such as synagogue interior design, they were clearly unwilling to let it go too far. They could not accept rules that constituted economic disaster for their community, and that was indeed the implication of accepting Sephardi supremacy. For example, there were many important rabbinical ordinances (*takkanot*)

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31 *Lag ba-Omer*: The 33rd Day of the *Omer*. The *Omer* is the first sheaf of barley cut during the harvest offered in the Temple on the second day of Passover. The period known as the *Omer* is 49 days counted from the second of Passover until the festival of *Shevuot*. This is considered a period of mourning punctuated by a semi-holiday - the 33rd day - *Lag ba-Omer*.

32 Ibid.

33 Ibid.

in Jerusalem that favoured the Sephardi community economically. When these *takkanot* were enacted, they were designed to promote the welfare of the whole community as against that of the private individual. These *takkanot* were enacted, however, when the community organizations were made up almost exclusively of Sephardim. When the Ashkenazim arrived, the Sephardim insisted on viewing them as individuals subject to the Sephardi community institutions. They refused to accept the Ashkenazi community as an independent organization with autonomous rights. The Sephardim utilized the *takkanot* as a means of retaining their privileged position and of obtaining various advantages for the Sephardi community.

One of these rules - the important Inheritance *Takkanah* - gave rise to one of the sharpest differences of opinion between the two communities. In 1842, Rabbi Itzhak Farhi, in his rabbinic work *Tuv Yerushalayim*,<sup>34</sup> explained the nature of this *takkanah*:

"This is also known throughout the Diaspora of Israel that any man or woman coming from abroad and who had no heir in *Erez Israel* and who died, all their estates from the value of one *peruta*<sup>35</sup> and upwards all go into the pocket of the *kolelim* [community] of the Holy

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34 Rabbi Isaac Farhi, *Tuv Yerushalayim*, (Jerusalem, 1842), new printing Jerusalem, 1969, p. 105. (Farhi was born in Safed in 1782, and died in 1853.)

35 *peruta*: the lowest denomination of coin of this period. Probably worth less than an equivalent-period farthing.

City, whether in cash or in other assets."<sup>36</sup>

There was only one recognized community - the Sephardi community. The origin of this *takkanah* is found in the writings of Rabbi Obadiah Bertinoro<sup>37</sup>, and is encapsulated in a document he wrote in Jerusalem prior to his death.<sup>38</sup> In time, successive generations of rabbis readopted the *takkanah* and renewed its legal status. Rabbinic approval of the *takkanah*, albeit *de facto*, was given simply by adopting and accepting the continuation of the customary practice.

"And all of Israel, generation after generation, have maintained and accepted the *takkanah* [enacted by] the early *Geonim* as written specifically in the *Sefer ha-Takkanot*, printed here in the Holy City of Jerusalem, and no one protests or objects to it. . . and we have seen. . . that if someone in the city objects to any part (of the *takkanah*), his end will be bitter."<sup>39</sup>

This *takkanah* initially had the effect of discouraging many Jews from immigrating to *Erez Israel*. Particularly affected were the elderly and wealthy Jews, whose families in the Diaspora stood to lose a substantial part of their inheritance if the family patriarch (or matriarch) died in *Erez Israel*.

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36 *Tuv Yerushalayim*, p. 105. See also Gat, p. 30; Eliav, *Erez Israel*, p. 157.

37 Obadiah Bertinoro (or Bartenura), celebrated Italian commentator on *Mishnah*. Died in Jerusalem c. 1500.

38 E. Rivlin, *Takkanot ha-Ezvonot be-Yerushalayim u-ve-Erez Israel, Azkarah*, (Jerusalem, 1937), p. 559.

39 *Tuv Yerushalayim*, p. 105.

In time, however, various legal loopholes in the *takkanah* were found and exploited. A common ploy was to draw up a legal deed making the assets of an individual a gift to the desired beneficiary - an act which would take effect one hour before the death. Another popular variation was the creation of a legal fiction whereby the property of an individual was loaned to the selected beneficiary and a document was drawn up converting the loan into a gift one hour before the death of the lender.

Rabbinical countermeasures were employed in an effort to block these quasi-legal loopholes and a new ruling was introduced in 1847 by the Sephardi rabbis:

"No person who [resides] here in the Holy City of Jerusalem and who has no heirs [in *Erez Israel*] . . . will be allowed, before they die, to make any will . . . to give any gift to any creature in the world, whomsoever he shall be, whether an individual or a group, and even if this will or gift would be made before the scribe of the city, it is hereby completely null and void. . . "40

A parallel *takkanah* stated that

"if any Jew transfers his estate at any time to any man or woman utilizing a deed stating that the beneficiary would receive the gift one hour prior to [the

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40 *Sefer Ha-Takkanot ve-ha-Haskamot*, (Jerusalem, 1883), p. 28a. Originally published Jerusalem 1842, reprinted Jerusalem 1883. I refer to the 1883 edition - C.K.



testator's] death [the transfer of that estate] whether by way of sale, whether by way of loan, whether [the deed is made out to] a relation or to a stranger or even to an orphan. . . or a trust dedicated to *talmidei hakhamim* whether by way of gift, whether by way of sale, whether by way of loan. . . is null and void and have no judicial effect. . ."41

Although many individual Sephardim found this *takkanah* distasteful, it served the purpose of supporting their community. Not only did Ashkenazi families not inherit, but, adding insult to injury, the deceased's entire assets were transferred to the Sephardi institutions. To the impoverished Ashkenazi community, this issue was a source of intense frustration and anger. For the Ashkenazim, there was not even this consolation, as their community received nothing from the estates of heirless Ashkenazim.

Leading the halakhic battle - ultimately successfully - against this *takkanah* was the eminent *Perushi* leader, Rabbi Israel of Shklov. Summing up the struggle, after years of halakhic disputations, he said

"By fighting the war of the Torah, I was successful in cancelling their law of inheritance and I based on this my *Responsa* called *Nahalah u-Menuhah*."42

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41 *Sefer Ha-Takkanot ve-ha-Haskamot*, (Jerusalem, 1883), p. 28a. Originally published Jerusalem 1842, reprinted Jerusalem 1883. (I refer to the 1883 edition - C.K.)

42 E. Rivlin, *Takkanot ha-Ezvonot be-Yerushalayim u-ve-Erez Israel*, *Azkarah*, (Jerusalem, 1937), p. 559. Rivlin points out that the text of *Responsa Nahala u-Menuha* is no longer in existence. It is worth noting that Rabbi Israel mentions this *Responsa* also in his book *Peat ha-*

Much effort had to be invested in the struggle before the *takkanah* was reversed. As was common during major halakhic disputes, the parties mobilized the support of various rabbinical authorities throughout the world. Rabbi Israel of Shklov, for example, sought and obtained the support of the rabbis of Germany,

"and I was wearied in the land of Ashkenaz [Germany]. . . [until] all the great [rabbis] of the land agreed with my words."<sup>43</sup>

The Sephardi community obtained the backing of the eminent Rabbi Yosef Hazzan (later to become *Rishon le-Zion*), who was then still living in Izmir. Hazzan expressed his support for the Sephardi position in a *Responsa* entitled *Hikrei Lev*.<sup>44</sup> This *Responsa*, in fact became the basis for the Sephardi case. Although the *Hikrei Lev* was written outside *Erez Israel* and thus does not fall within the ambit of this thesis, it is important to understand Rabbi Hazzan's point of view, as it is referred to by scholars in *Erez Israel* as described below.

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*Shulhan*, Part II, Mark 29, Section 6, A. M. Luncz edition, (Jerusalem, 1902). There under the *Halakhot* of *Shemittah*, p. 131-2, Rabbi Israel says "and in my *Responsa* of *Nahala u-Menuha* I explain at greater length."

43 Aryeh Leib Frumkin, *Sipur Hatalat Yishuv ha-Ashkenazim ha-Nikraim Perushim, Zion (Me'assef) B*, (Jerusalem, 1927), p. 140. See Appendix XVII.

44 *Responsa Hikrei Lev*, (Salonika, 1806), *Even ha-Ezer*, Mark 42, pp. 89-90.

The Ashkenazim argued that the inheritance *takkanah* was only a *minhag* - a custom - and therefore could not proscribe and add conditions to the precepts of the written Torah. The Torah was, in fact, both clear and precise about the rules of inheritance, and made no reference to any such condition as that laid down in the Sephardi *takkanah*.

Rabbi Hazzan disputed this view, arguing that some customs could, in fact, to act as conditions and could be applied even to the written precepts of the Torah.

"If this *minhag* was established. . . as a result of a need and a pressing requirement, one can [make conditions about inheritance law as laid down in the Torah]." <sup>45</sup>

Rabbi Hazzan's position was that, as this *takkanah* was required for the preservation of the community, it could be added to the body of written Torah rules regarding inheritance.

Rabbi Hazzan also stated that anyone settling in a new community had *de jure* adopted that community's *takkanot* and *minhagim*. Thus, all those Ashkenazim who immigrated to *Erez Israel* accepted these regulations upon their arrival:

"it is as if they [the Sephardi community] enter into an agreement [with this new arrival] that. . . [his]

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45 Ibid.

inheritance. . . shall be given to them as a gift [after his death]."<sup>46</sup>

Rabbi Hazzan also drew on the prevailing Turkish law to bolster his position:

"according to the non-Jewish [i.e. Turkish] laws, he who dies and has no heir in the city, the *pitamal*<sup>47</sup> inherits him."<sup>48</sup>

Halakhically, noted Rabbi Hazzan,

"the community of the city exists instead of the *pitamal*."<sup>49</sup>

Carrying the logic of this argument one step further, he referred to the important halakhic concept of *dina de-malkhuta dina*.<sup>50</sup> This precept holds that it is a religious duty to obey the law of the realm - and therefore any transgression of the rule of the realm is an offence against religious values as well as civil law. Rabbi Hazzan insisted that the Sephardi community was the equivalent of the *pitamal* for the purposes of this dispute, and a representative of the Turkish law, which, because of the *dina de-malkhuta dina* doctrine, was binding upon all the Jews of *Erez Israel*. Therefore, according to Rabbi Hazzan,

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46 Ibid.

47 *Pitamal*: the appointee of the authorities regarding estates.

48 Hazzan, *Responsa Hikrei Lev*, (Salonika, 1806), *Even ha-Ezer*, Mark 42, pp. 89-90.

49 Ibid.

50 *dina de-malkhuta dina*: The law of the realm has the same status as rabbinical law.

it was halakhically forbidden to attempt to circumvent the inheritance *takkanah*.

In response to the *Hikrei Lev*, Rabbi Israel of Shklov set out the Ashkenazi position in a letter<sup>51</sup> describing the dispute to the renowned Rabbi Hayyim of Volozhin. Rabbi Israel took issue with each of Hazzan's arguments.

In a preamble to the letter, Rabbi Israel noted, albeit with great respect, that Rabbi Hazzan, author of the *Hikrei Lev*, had obviously encountered insurmountable difficulties in his attempt to "explain away this bad custom".<sup>52</sup> Despite Rabbi Hazzan's explanations, he wrote, the fact remained that the rule of the Torah could not be changed, and the Torah provided a definitive and conclusive ruling on the subject of inheritance, its distribution and other issues pertaining to it. Moreover, he claimed, Ashkenazi immigrants might have agreed to this custom, but they did so under duress, and thus their assent was legally invalid. The first Ashkenazim were in no position to protest against the custom,

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51 Letter to Rabbi Hayyim of Volozhin, (found at the J.N.U.L, MS no. M501). See Rivlin, *Takkanot ha-Ezvonot be-Yerushalayim u-ve-Erez Israel, Azkarah*, (Jerusalem, 1937), pp. 605-609. The date was omitted from this letter; Rivlin suggests that it was written between 1820 and 1824.

52 Letter to Rabbi Hayyim of Volozhin, (found at the J.N.U.L, MS no. M501). See Rivlin, *Takkanot ha-Ezvonot be-Yerushalayim u-ve-Erez Israel, Azkarah*, (Jerusalem, 1937), pp. 605-609.

"for who could they protest to, as all are Sephardim, and have an interest in this matter."<sup>53</sup>

Rabbi Israel also complained that the wishes of Ashkenazi testators were callously and casually disregarded:

"the Sephardi rabbis come and . . . cancel wills, . . . and gifts [with impunity]."<sup>54</sup>

Rabbi Israel went on to note that during the period when Ashkenazi Jews returned to Jerusalem,

"there were great rabbis among the Ashkenazim. . . [in]. . . the Holy City, and they were not requested and neither did they sign [anything] agreeing to this."<sup>55</sup>

Under these circumstances, Rabbi Israel argued, this *takkanah* was not binding on the Ashkenazim.

Among other things, Rabbi Israel's presentation of the Ashkenazi case demonstrated the increasing confidence the Ashkenazim were beginning to feel as a result of the increased of the consular authorities. Rabbi Israel differentiated between the Ashkenazim, who were under consular jurisdiction, and who were non-*ra'aya* Jews, and the Sephardi Jews who in the main were Ottoman citizens. The argument, he said, that the Ashkenazim are bound by *dina de-*

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53 Ibid.

54 Ibid.

55 Ibid.

*malkhuta dina* was based on a Sephardi misperception of the legal status of the Ashkenazim.

The Ashkenazim were not at all under the authority of the *pitamal* or the Turkish government; rather, they were under the extra-territorial authority of the various European consuls and the governments they represented, rather than the Ottoman government. Thus if *dina de-malkhuta dina* applied at all - in itself a disputable point - the Ashkenazim should be considered subject to the law of the governments whose consuls provided them with protection. It was, he argued, to these laws that the Ashkenazim owed formal allegiance and not the laws of the *pitamal*. Thus the application of *dina de-malkhuta dina* would bring about the opposite of that intended by Hazzan. The estates of heirless Ashkenazim would be dealt with according to European law and, stated Rabbi Israel:

"if there is a community of Jews to which the deceased belonged, that community will take and will send to the inheritors, and if not, the consul will take [the estate] and be obliged to send [to the inheritors abroad]." <sup>56</sup>

Rabbi Israel also disputed Rabbi Yosef Hazzan's claim that the inheritance *takkanah* was an extraordinary measure made necessary by the great difficulties which Jews experienced in earning a living and supporting the community in *Erez*

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56 Ibid. (My emphasis - C.K.)

*Israel*. Rabbi Israel claimed that, since the economic condition of the Sephardi community was far more favorable than that of the Ashkenazim, the assumptions of this claim of penury were invalid. The Sephardim, as natives of *Erez Israel*, were familiar with the language, customs and trade practices of the area, and were therefore in a better economic position than the Ashkenazim.

"Ashkenazim live in the dark. . . as they do not know the language and have no means of livelihood and are all poor."<sup>57</sup>

In response to Rabbi Israel's presentation of the Ashkenazi case, the Sephardim utilized the prestige and the erudition of the *Rishon le-Zion*, Rabbi Solomon Moses Suzin. Suzin responded to Rabbi Israel of Shklov. This response is to be found in his preface to the *Sefer ha-Takkanot*<sup>58</sup>, and he attacked the position of Rabbi Israel of Shklov as expressed in the *Responsa, Nahala u-Menuha*. In an elegant snub, he avoided mentioning Rabbi Israel by name throughout his argument, referring to Rabbi Israel as "*ha-rav ha-posek*" - the adjudicating rabbi. Rabbi Suzin reiterated the position taken by Rabbi Hazzan but made some judicious changes in the Sephardi stance. In a lengthy halakhic polemic, Rabbi Suzin firstly attempted to prove that a *Bet Din* was entitled to amend the rules of inheritance as postulated in the Torah.<sup>59</sup>

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57 Ibid.

58 *Sefer ha-Takkanot ve-ha-Haskamot*, pp. 1-24.

59 Ibid. pp. 2b-3a, 8b.



Furthermore this *takkanah*, said Rabbi Suzin, was of long standing and was not just any common *minhag*.

"We have with us even today a written agreement. . . signed in ink. . . for this [*takkanah*] was written in the year 1676."<sup>60</sup>

It is obvious, however, that Rabbi Suzin had no rebuttal to Rabbi Israel's argument regarding the consuls and *dina de-malkhuta dina*. He therefore withdrew this element of Hazzan's argument completely from the Sephardi position, and, in fact, argued that the precept of *dina de-malkhuta* was altogether inapplicable in this case. The whole concept of *dina de-malkhuta dina* was only valid when it had to do with "potential benefit or potential damage to the Realm."<sup>61</sup> In other words, the concept of *dina de-malkhuta* was only applied when the realm is a party to the particular issue. In this case, the issue had nothing to do with the realm and related solely to internal matters within the Jewish community. Thus, said Rabbi Suzin, the Ashkenazim, were unable to argue that *dina de-malkhuta* doctrine supported their case.<sup>62</sup>

It is evident from the *Responsa* of Rabbi Suzin that that very attempt by Rabbi Israel of Shklov and the Ashkenazim to undermine the legitimacy of the *takkanah* aroused an

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60 Ibid. p. 1a.

61 Ibid. p. 22a.

62 Ibid.

emotional response from the Sephardim. The attempt to challenge the *takkanah* was considered - correctly - as an attack on Sephardi supremacy in *Erez Israel*. Throughout his lengthy and brilliant exposition - it is one of the most remarkable documents in recent rabbinical literature - Rabbi Suzin refused to mention Rabbi Israel by name, calling him

"one of the rabbis of our generation who calls to overturn [the *takkanah*]." <sup>63</sup>

It is hard to imagine, however, that anyone who followed this highly public dispute would have been left in any doubt about the identity of the Ashkenazi rabbi - "*ha-Rav ha-Posek*" - or of the intended slight. Indeed, Rabbi Suzin's restrained tone gave way to open hostility in the last paragraph, where he stated that the attempt to overturn this ancient *takkanah* was contemptible and an affront to the *talmidei hakhamim* who had supported it in the past. He added that

"Jerusalem would not have been destroyed but for the fact that in it *talmidei hakhamim* were scorned." <sup>64</sup>

In the event, however, Rabbi Israel of Shklov won his struggle, a fact that was made clear when, many years later, he referred to the issue <sup>65</sup>,

63 *Sefer ha-Takkanot ve-ha-Haskamot*, (Jerusalem, 1883) p. 2b.

64 *Ibid.* p. 24a.

65 A. L. Frumkin, quoted in *Sipur Hatalat Yishuv ha-Ashkenazim ha-Nikraim Perushim - Zion Me'assef B*, (Jerusalem, 1927), p. 135.

"and after much weariness we have come out from under the rule of the Sephardim."<sup>66</sup>

It should be emphasized that not all the communities in *Erez Israel* argued about the inheritance *takkanah*. In Hebron, for example, the Sephardi and Ashkenazi communities arrived at a harmonious compromise in the 1830's, when it was decided that the two communities should benefit as one from the income generated by these inheritances:

"behold the estate and inheritance shall be divided between the two communities, the Holy Community of the Sephardim and the Holy Community of the Ashkenazim, in complete trust according to the rule of the Torah, and this shall be after the deduction of the cost of burial and the tombstone."<sup>67</sup>

There were also other Sephardi-Ashkenazi disputes regarding bequests. These mainly concerned the inheritances of wealthy Jews abroad who left their property to the Jews of *Erez Israel*. One example was the bequest of Samson Wertheimer, a wealthy Ashkenazi who died in Vienna. In this case, the benefits which accrued from the bequest were sent to the Sephardi community in Constantinople and then

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66 In *Ha-Levanon* newspaper of 1866, it is said about Rabbi Israel that "still in his lifetime he was privileged to see that the officials of the Sephardi [community] did not continue to take the estates of heirless Ashkenazim living in the Holy City. . ." See *Ha-Levanon*, 3 Adar II 5689 (1889), Vol. 21.

67 The text of the compromise document is to be found in A. Gener, *Le-Korot ha-Yishuv ha-Yehudi be-Hevron*; "Ha-Tor", Vol. 3, Adar 1928, no. 21, p. 12.

transferred to the Sephardi community in *Erez Israel*. The Ashkenazim, naturally, demanded their share (Wertheimer was, after all, an Ashkenazi). After some debate, the two communities came to an agreement to halve the funds.<sup>68</sup>

A similar dispute rose regarding the inheritance of Nissim Sannama (Tunisian Minister of Finance under Muhammad al-Sadiq-Bey) who died in Italy in 1873. The Sephardim claimed that he was a member of their community, and that his place of birth - Tunisia - meant that his inheritance fell within their exclusive possession. The Ashkenazim claimed it was the place of death rather than birth which governed the allocation of such inheritances. This argument persisted for twelve years before a compromise was reached.<sup>69</sup>

In other matters, particularly those relating to individual legal disabilities and personal freedom, the Sephardim found themselves at a disadvantage. For example, the Ashkenazim were foreigners within the Turkish domain and were free of the high taxes imposed by the authorities. On the other hand - as noted above - at the beginning of the period, the Sephardim were the sole recipients of all the funds collected for *Erez Israel* from Jewish communities the world over, including those sent from Ashkenazi communities in

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68 Aryeh Leib Frumkin, *Sipur Hatalat Yishuv ha-Ashkenazim ha-Nikraim Perushim, Zion (Me'assef) B*, (Jerusalem, 1927), p. 138. See also E. Rivlin, *Takkanot ha-Ezvonot be-Yerushalayim u-ve-Erez Israel*, Azkarah, (Jerusalem, 1937), p. 549.

69 *He-Asif*, vol. 5, (Jerusalem, 1889), p. 82.

Europe. The Sephardi community used some of these funds to maintain the Ashkenazim, but a large part was expended for their own purposes. This Sephardi hegemony was soon challenged.

It is evident that when the first Ashkenazim returned to Jerusalem at the beginning of the 19th century, they struck a note of humility and sensitivity where the prickly issue of European funds was concerned. In the epistle of Iyyar, 1806, Rabbi Menahem Mendel of Shklov said:

"Heaven forbid, we do not come within these borders to deprive. . . [the Sephardim]. . . only to ask for mercy, may He have mercy upon us, the Ashkenazim, as well."<sup>70</sup>

However, the question of how the funds collected from Diaspora Jewry were to be allocated was an inevitable source of conflict between the Ashkenazim and the Sephardim and could not be postponed indefinitely. Before the renewal of the Ashkenazi presence in Jerusalem, the small Ashkenazi communities elsewhere in *Erez Israel* attempted from time to time to obtain exclusive rights for these funds but these attempts were not particularly successful.<sup>71</sup>

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70 *Kunteres le-Rabbi Yoseph David Eyash*, MS (Amsterdam, 1841); full text of this manuscript is to be found in M. Benyahu, *Kunteres al Halukkat Kaspei Erez Israel me-arzot Ashkenaz*, Sura Vol. 1, (Jerusalem, 1954), pp. 103, 155.

71 The Diaspora rabbis did not always agree with the Ashkenazi stance with regard to their claim to exclusive rights over funds from their Ashkenazi brethren in Europe. See Dov Briling, "*Kehillat Heidingsfeld ve-*

Rabbi Israel of Shklov, in writing to Rabbi Hayyim of Volozhin, argued as follows:

"and anyway it is right that [charity] should be given to the poor of the Ashkenazim, the real *talmidei hakhamim* [sic!]. . . for the Sephardim have no mercy. . . and it is expounded in the book of *Sefat Emet*, written by the Gaon I. Hagiz [p. 36], that in his time the German communities sent only to the Ashkenazim and [despite this exposition]. . . from the day we are in the Holy Land, we have never been given [any money] - not even once."<sup>72</sup>

Rabbi Israel demanded that, as Sephardi communities in the Diaspora give only to their Sephardi brethren in *Erez Israel*, therefore

"let all the income from our Ashkenazi brothers be given only to the Holy Community of the Ashkenazim in *Erez Israel*."<sup>73</sup>

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*Yahasa le-Erez Israel*", *Yerushalayim, Mehkarei Erez Israel*, (Jerusalem, 1943), p. 225. See M. Smid, *Gilyonot* 11, (Jerusalem, 1941), pp. 258-259. In response to a decision by a provincial *Bet Din* that decided that charity given to *Erez Israel* should be given only to emissaries (*Shadarim*) of the Ashkenazim and not to the *Shadarim* of the Sephardi community, Rabbi Yehezkel Landau expressed his disapproval and ruled that "all the funds. . . belong to [both] the *kolelim* of the children of *Erez Israel*, be they Sephardim or Ashkenazim." See also D. Briling, *Sheluhei Erez Israel be-Germania, Sura*, Vol. 4.

72 See E. Rivlin, *Takkanot ha-Ezvonot be-Yerushalayim u-ve-Erez Israel*, *Azkarah* Vol. 5, (Jerusalem, 1937). (My emphasis - CK).

73 *Ibid.*

As the argument became more acrimonious, we find in the *Kunteres* of Rabbi Eyash that the Sephardim protested that the Ashkenazim of *Erez Israel* had prevented Sephardi emissaries from being received in Eastern Europe. The Ashkenazim

"prevent the entry of the Emissaries of the Sephardim into the cities of Poland and into other places with lying and false claims. . . that the Sephardim give nothing to the Ashkenazim. . . this is libel."<sup>74</sup>

The Sephardim also claimed - correctly - that they bore the full burden of government taxes and the city rates, and that they paid this on behalf of the entire Jewish community.<sup>75</sup> Furthermore, the Sephardim claimed that with the agreement of the Ashkenazim in *Erez Israel*, they had acquired a *hazaka* (right of possession) over the Ashkenazi-populated geographical areas, and thus the Ashkenazim had no right to these funds. The *hazaka* had been established, they stated, because the earlier Ashkenazim had urged the Sephardim to collect money on their behalf among the Ashkenazi communities in an attempt to defray the debts of the Ashkenazi community.<sup>76</sup> Further, the Sephardim claimed that they had established new sources of funds in Germany and in Eastern Europe which were unconnected with the defunct

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74 M. Benayahu, *Kunteres al Halukkat Kaspei Erez Israel me-Arzo Ashkenaz, Sura*, Vol. 1 (Jerusalem, 1954), p. 107.

75 Ibid. pp. 121-125, 133.

76 Ibid. pp. 120-124.

Ashkenazi fund-raising system.<sup>77</sup> Inevitably, they also resurrected the old claims that the Sephardim enjoyed natural rights of seniority, that the Ashkenazim were newcomers,<sup>78</sup> and that the Sephardim constituted the majority of the Jews in Jerusalem.<sup>79</sup>

The position of the Sephardim was eroded when the *Pekidim* and *Amarkalim* Organization forced upon the Sephardi community a new arrangement regarding the distribution of the funds sent from Europe. According to the new agreement, made in 1823, the Ashkenazim in Safed were to obtain funds directly from the *Pekidim* and *Amarkalim*, circumventing the Sephardi community altogether. An even more painful blow for the Sephardim was the fact that according to the new arrangement, Ashkenazim were now to obtain two-thirds of the total funds sent from Europe while the Sephardim were to receive the remaining third. This seemed reasonable to the *Pekidim* and *Amarkalim*, as the Sephardim had other financial sources in their countries of origin. The Sephardim took a rather different view, but when they protested, they were warned that if they did not accept this compromise, all the funds channeled through the *Pekidim* and *Amarkalim* would be transferred solely to the Ashkenazim.<sup>80</sup>

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77 Ibid. pp. 119-120.

78 Ibid. p. 124.

79 Ibid. p. 150.

80 The *Pekidim* and *Amarkalim* wrote to the Sephardim that if they did not accept this arrangement "then all the money that is raised from our Ashkenazi brethren [throughout the world] will be given to our Ashkenazi brethren [in



The *Pekidim* and *Amarkalim* Organization also demanded that the Ashkenazim receive one third of the money obtained from the cities of Italy, an area reckoned by the Sephardim to be their exclusive preserve. The Sephardi rabbis stated in 1826 with a touch of bitterness:

"behold, the Ashkenazim have for seven years separated themselves from us to be by themselves. But this does not reduce an iota from the expenses of the city. On the contrary, every day and every month, we are being punished by further taxes. . . and we have nothing left to ourselves but our bodies and our land . . . but this does not apply to the Ashkenazim, for they have on whom to depend, and they do not have to deal with the King and the Princes. . . for they are foreign. . . and the laws of the foreigners who live in the Kingdom of Ishmael apply to them as is well known. . . ." <sup>81</sup>

In 1829, the relationship between the two communities over this issue seems to have deteriorated even more. This is expressed in a letter by the Sephardi rabbis to the Sephardi rabbi of Trieste, Rabbi Abraham Kolonia:

"the day has come when Satan has mixed up the world and has separated the holy community of the Ashkenazim to be a foreign [body]. They have overturned primary *takkanot* and approbations, and they have begun to send emissaries to the cities of Sephardim. . . . Our brothers the Ashkenazim are responsible

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*Erez Israel*]. See A. M. Haberman, "*Sha'ah ben Shnei Sheluhei Zefat*", *Sefunot* 7, 1963, p. 266.

81 Central Archive for the History of the Jewish Nation, Jerusalem, IT-1172-49.

for all the troubles that have passed and are passing over us. They do not have anyone to oppress them because they are foreign, and they have no obligation to the King and the Princes except 7000 *grush* per annum for leasing of the houses in which they dwell. . . but from Poland and Lithuania they obtain every year no less than 200,000 *grush*, and that is over and above that which we receive from the cities of the Sephardim."<sup>82</sup>

The letter described the suffering among the Sephardi community in Safed from famine, and excoriates the Ashkenazi community for "its gall"<sup>83</sup> in demanding part of the Italian funds at such a time. The writers of the letter conclude:

"We see that all their aim is to expel us from the Land, to stop our income. Such a crime has not been perpetrated since the establishment of this city."<sup>84</sup>

The dispute between the two communities over the limited funds arriving from the Diaspora persisted throughout the entire period. As late as 1894, Rabbi Samuel Salant, in an open letter to the rabbis in Russia, Germany, the United States and England, described in succinct terms the ongoing dispute between the Sephardim and the Ashkenazim regarding the collection of funds abroad. The letter sums up well the tensions between the two communities over this matter:

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82 Central Archives for the History of the Jewish People, Jewish Communities, Institutions and Organizations, Jerusalem, IT-1172-163.

83 Ibid.

84 Ibid.

"the community of Israel dwelling in Jerusalem. . . is divided into two sections: the community of the Ashkenazim - *Perushim* and Hasidim - and the community of the Sephardim. The community of the Ashkenazim, they are from the countries of Russia, Poland, Lithuania, etc., etc., who, from the love of the Holy and the love of Zion burning in their hearts, have risked their lives and left their homelands and families. . . to increase the *Yishuv* in the Holy Land. . . . The community of the Sephardim! they are our brothers of the countries of Turkey, Babylon, Italy, etc., etc. - and, may the Lord be blessed, these two sections are as one group and love each other and are pleasant to each other as is the rule of brotherly love. However, in the matter of the division of charity that our merciful brothers in their places of dwelling raise for the poor of the Holy Land. . . the community of the Sephardim is separated from the community of the Ashkenazim! For the community of the Sephardim is dependent on the donations of its brethren of her countries, such as the country of Turkey, Babylon, Italy, and the western countries, etc., etc., which the charitable Jews dwelling in these countries send their donations to the hand of their fellow countrymen the Sephardim [Portuguese] dwelling within the holiness [i.e. dwelling in *Erez Israel*], and for the community of the Ashkenazim, they do not give any part of these donations. And the community of the Ashkenazim, *Perushim* and Hasidim, have been so far supported out of the mercy of the hearts of their brothers and fellow countrymen, the Ashkenazim dwelling in the countries of Russia, Poland, Germany, and of those that have gone to live in the countries of America, England, etc., May they be blessed before the Lord, our generous brothers! who, in the mercy of their hearts and their love of the holiness engraved upon the panel of their hearts may continue to support their brothers living in the holiness. . . and may they

expand the *Yishuv* in the Holy  
Cities . . . "85

Having described so succinctly the existing fund-raising arrangement, Rabbi Salant complained that

"our brethren the Sephardim do not act according to the law when they compete and turn to those of our generous brethren of the Ashkenazim; for if our brethren the generous Ashkenazim heed their words and turn over to them the fruit of their charity, what will be the final fate of the *Yishuv* of the Ashkenazi community?"86

There is evidence that the Ashkenazim - though unwilling to allow Sephardi emissaries to enter into what they considered to be their exclusive preserve - were themselves uninhibited about sending *Shadarim* (emissaries) to North Africa.<sup>87</sup> The Sephardim imposed a *herem* warning that Ashkenazi emissaries would not be accepted in these countries.

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85 J.N.U.L, document no. L1579/E114. My emphasis - C.K. See Plate 19. See also A. Ben-Yaakov, *Ha-Shaliah ha-Noded, Al Shaliah Erez Israel, ha-Rav Yosef Hayyim Shrem*, (Jerusalem, 1982), wherein there is a description of the lifelong travels of a Sephardi *Shadar* who worked extensively in exclusive Ashkenazi areas.

86 Ibid.

87 Sometimes, the parties employed highly irregular tactics in order to improve their fund-raising position. Rabbi Salant, in the letter mentioned above (Plate 19), also related that the Sephardim took advantage of the dismissal of two secretaries who had previously served in the *Talmud Torah* of the *Yeshivat Ez Hayyim* institution and the *Bikur Holim* hospital. They were immediately employed by the Sephardim as they possessed a list of the names and addresses of the Ashkenazi donors abroad. Thus armed, the Sephardim proceeded to petition these Ashkenazi donors for funds that had previously been earmarked exclusively for Ashkenazi institutions.

שמואל סלאנט  
פעתיק ירושלם חובביא

ביה. ירושלם חז"ל. כחדש כרחשון תרנ"ד

למען הרבנים הגדולים והנדיבים היקרים וגדולי המעשה הדורשים לשלום ציון וכניה, ותומכים ענייה, ומחויקים טפעליה הנשנכים. היה אחינו האשכנזים היו אשר בארצות רוס' אשכנז אמעריקא אנגלי' יתברכו ככל טוב;—

מכתבים רבים נמקומות שונים הגיעוני. בדבר אשר זה מקרוב החלו אחינו הספרדים—פורטוגיזין—היו להפין סכתבי בקשה לאחינו האשכנזים נמקומות טושבותיהם. ויען כי קשה לי להשיב לכל אחד ואחד כפרט. לכן אמרתי את דברי אשר השיבותי לאהר טהנדיבים המצוינים. ואשר דבריו הגיעוני ראשונה—לא אמנע טלהביאם כדפוס. להודיע קושט אמרי אמת לסכתבי האמת, ואם כי הרבנים הטמנים סנהלי יהודי הכללי היה העריכו סכתב טודעה והודיעו את פרשת הענין, וגם אנכי טלאתי דבריהם בדברים קצרים. ככיו רואה אני עהה הדבר הזה נכון להודיע גם אנכי את כל אשר עכה וככל אשר הודעתי להנדיב הגו' סכתב כפרטי. וזה הוא חוכן דברי טשובתי; . . . . . שלום לכבוד וכו' . . . . .

טודעת זאת, כי עדת ישראל יושבת ירושלם חובבי נחלקת לשתי טפלנות. עדת האשכנזים—פרושים וחסידים. ויעדת הספרדים— . עדת האשכנזים! הטה בני טדינות רוס'י, פולין, ליטא כו' כוה אשר סכתב הקדשו, ואהכח ציון הכוערת לכבכם. השליכו את נפשם טנגד, ועוכו ארין מולדתם ומשפחתם. ואוו לחונן אז עפר ארץ הקדש, ולהרחיב הישוב בעריהק. ועדת הספרדים! הטה אחינו בני טדינות יטורקי', ככל, איטאליא, כו' כו'. והנה אם אמנם כי הורת להי אגודה אחת בין שתי המפלנות האלו, ואהוכים נעמיים זה לזה, כחוק אהבת אחים, אולס. בדבר הלוקח הצדקה, אשר אחינו הרחמים כמקומות טיטבותיהם יריטו בעד עניי ארהיק והרחבת הישוב בקדש, נפרדת היא עדת הספרדים טעדת האשכנזים! כי עדת הספרדים היא נמסכת טנדכות אחיה, בני טדינותיה. כמו טדינות טורקי, ככל, איטאליא, וארצות המערב, כו' כוה, אשר הנדיבים יושבי הארצות האלה, שולחים נדבותיהם ליד בני טדינותיהם הספרדים (פורטוגיזין) היושבים בקדש, ולעדת האשכנזים לא יתנו חלק טהנדכות האלה. ועדת האשכנזים—פרושים וחסידים—היו נמסכים עד כה, סמטלת לכב אחיהם בני טדינותיהם האשכנזים היושבים בארצות רוס'י, פולין, אשכנז, וטאלה אשר קבעו מקום טגורם בארצות אמעריקא, אנגליא כו' כרוכים יהיו להי אחינו הנדיבים! אשר כמטלת לכבם, וחכת הקדש החרוטה על לוח לכבם, ימטכו את אחיהם היושבים בקדש כמצור וכטצו. ויחויקו הספעלים הנשנכים אשר נמכוננו בקדש, ירחיכו את הישוב בערי הקדש. כי הגדילו עשות—

והנה כעת הוואת, אשר הטופרים שטטשו טלפנים כשני הספעלים הגאדירים בקדש, התלמוד תורה וישיבת עין החיים" ובית החולים הגדול. בכקור חולים האספיטאל הכללי, אשר למקהלות האשכנזים היה, הוטרו טמטרתם, אטפו אותם אחינו הספרדים ופורטוגיזין הגיל, לאשר כי כידם ספרי הארץ עסין טנדיבי האשכנזים, אשר היו כמותכי הספעלים האלה, והטה ספיצים סכתבי בקשה לכל נדיבי האשכנזים, למען הטכ אליהם נדכות אחינו נדיבי האשכנזים היה, ועוד יוסיפו כמכתביהם דברים כדורים לאמר: כי יהתלמוד תורה והפארת ירושלם אשר להם הוא כללי! וגם ילדי האשכנזים יבאו שערי . . . ונלוי וידוע לכל כאי שער ירושלם כי לא כן הוא, ודבר זה לא הי' ואי אפשר להיות, כי אחינו הפורטוגיזין הגו' שפה אחרת לטו, ורוב ילדי האשכנזים לא יבינו לשונם, ועוד טעמים נכונים, כן את אשר יאמרו כמכתביהם, כי בית טשנב לרד' הוא בית החולים כללי, ויריפו אותו על נב, וגם יכברו אותו על פני יהכקור חולים האספיטאל, וכאמרת בית החולים הכללי יהכקור חולים האספיטאל אשר למקהלות האשכנזים היה, גדול הוא באיכות, וככמות, טול בית טשנב לרד', ורוב החולים המתקבלים בבית טשנב לרד', ספרדים מהו, ועתה! הלא דעת לנכון נקל, כי לא כדת יעשו אחינו הספרדים, אשר יחזרו להטכ אליהם גם נדיבי אחינו האשכנזים היה, ואם אחינו נדיבי האשכנזים ישעו לדבריהם, ויטכו אליהם פרי צדקותיהם, מה יהיו אחרית הישוב לעדת האשכנזים! אם אחיהם ירפו את ידיהם טלחמון ענייהם, ואלטנותיהם, וקניניהם, הסוכלים מצור ומצוק! ומה רע וטרי חזו גורל בני ציון! וסצב הישוב כלו, אם יטוטו חיו מוסדות שני הספעלים האדירים התלמוד תורה וישיבת עין חיים, והכקור חולים הכללי יהכקור חולים האספיטאל הגו' של האשכנזים אשר הם עטודי הישוב, וכבוד בית ישראל נשען עליהם.—

תקויה חכה! כי אחינו הנדיבים כמקומות כושכותיהם ישימו לכ לדברי אלה, ולא ישעו לדברי הסכתבים אשר יריצו לסו, ויריהם אל ירפו טלהחויק ולתמוך את אחיהם בני טדינותיהם האשכנזים היושבים בקדש ואת ספעליהם הנשנכים.

ואת כבודו אבקש לפרסם דברי אלה לאחינו הנדיבים הנודעים לו, למען הרים סכשול סדוך הצדקה והיי מעשה הצדקה שלום.

כן לא אמנע כלהסיר ריבט שווא, אשר העליל אחר טחושבו ירושלם כעה, כהטלויקי, הולך ופורס טמות אנשים, וזתארם כשם עטירי ירושלם המקבלים חלוקה, ולמען האמת האהובת, חונת עלי להגיד כי שקר העיד כאחיו, כי מאשר פרסם טחם שאינם נוקבלים כלל, והמקבלים, גום כהערכת רכושם— וטה טוב לאחינו כיו טחונני ארמת הי טלא יטו איון קטבת לכל כמקצף העליל ודורף, ולא יטשכו ידם מאחיהם הגלים ורשים אשר כם חיי רוחם, ויוכו להתכרך סהבדור כעיון הגוי כשסן יודע חוסי כו.

והי יכרך את אחינו הדורשים שלום ציון וחוככים וטועדים ענייה, זקיניה, אלמנותיה, ויחוטיה, ומחויקים ספעליה הטובים, יתברכו ככל טוב טלה, ויוכו לראות כהרמט קרן עם זה, וכטוב ירושלם אשר לא יקור לאיש, ולא יחלו לכני אדם, כבא לציון גואל כביא.— כעתירת המעתיר בעד שלום אחינו החוחם ככרכה

שמואל סלאנט

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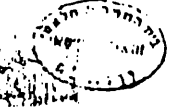


Plate XIX: 1894 Letter of Rabbi Salant to European Rabbis Regarding Sephardi Competition for Halukkah

Each community jealously guarded its economic assets and each attempted to ensure that its property would not be transferred to the other. For example, when the Sephardi community sold a part of its property, a restrictive covenant was added so that

"neither the purchaser nor his attorney can sell rent to any *Moghrabi* nor to any Ashkenazi."<sup>88</sup>

There were other differences between the two *edot*<sup>89</sup>. At the beginning of the nineteenth century, there was a marked difference between the economic well-being of the Ashkenazim as compared to the Sephardim. Rabbi Eliezer Bergman of *Kolel HoD*, wrote at the beginning of the period,

"even he who has special talents [from the Lord] is sustained solely or mainly from his *kolel* [and] lives in need and in great poverty, for it is impossible to make a living from one's work, [particularly] the Ashkenazim because of the change of language [i.e. the inability to speak Arabic]."<sup>90</sup>

On the other hand, the Ashkenazim benefitted as individuals from the money distributed by the *halukkah* institutions,<sup>91</sup> while the practice in the Sephardi community was to

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88 See M. D. Gaon, *Zeror Teudot Atikot*, (A Bundle of Ancient Documents), *Jerusalem Quarterly*, (Jerusalem, 1948), year 1, pamphlet 3/4, p. 117.

89 *Eda* (pl. *edot*): community or ethnic group.

90 Bergman, *Yiseu Harim Shalom*, p. 92.

91 See also Gat, p. 103.

distribute the funds mainly among those engaged in the study of the Torah, in particular the scholars and the rabbis.<sup>92</sup>

Another, more important, disparity between the *edot* was the fact that the Ashkenazim were later to enjoy the protection of the consuls, whose function and influence grew with the century. The Ashkenazi sense and well-being grew in direct proportion to the increase in consular power. Rabbi Eliezer Bergman of *Kolel* HoD described plainly the enhanced status of the Ashkenazim as foreign citizens:

"We are free here from many problems; not only in heavenly matters but also in material matters. Because we are foreign citizens, we do not have to pay anything to the government, may the Lord be thanked, and we can do what we desire."<sup>93</sup>

The Ashkenazim were assisted by the consuls in many aspects of their communal life. For example, when the Ashkenazim wanted to obtain permission to build their own synagogues, they were assisted by the consuls. Regarding the establishment of the *Menahem Zion* Synagogue, for example, Rabbi Yehoseph Schwarz wrote that

"the Consul General of the Kingdom of Austria found favour to persuade the King to grant favour to the Ashkenazi Jews to give them the licence to build [the Synagogue] of their fathers. . . . And the king. . . wrote an explicit and clear decree that the Ashkenazim could

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92 See Gat, p. 101; Eliav, *Erez Israel*, p. 26.

93 *Yiseu Harim Shalom*, p. 101.

build 'dir el ashkenaz' and no one could demand from them payment for the debts of their fathers."<sup>94</sup>

In a further example, the newspaper Ha-Levanon<sup>95</sup> described the efforts of a Rabbi Yehoshua Goresh Eliyahu Combandniki to obtain consular support for a separate Ashkenazi cemetery.

The consuls were also influential in inter-community quarrels. For example, in 1845 the *Moghrabim* attempted to establish their own synagogue, to the chagrin of the Sephardi community. The French Consul himself - Joseph Marie Francois H elouis Jorelle, along with his servants, confiscated the *Moghrabi* Torah Scrolls, and "took the Scrolls of the Law from us and led them to the house of the Chief Rabbi [Gagin] of Jerusalem."<sup>96</sup> Ironically, the increasing consular power which was so welcomed by the Ashkenazim probably assisted the Sephardim in obtaining greater official recognition from the Ottoman authorities. The creation of the office of *Hakham Bashi* of Jerusalem by the Sublime Porte in 1842 was probably a political act aimed at countering the increasing power of the consuls. By

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94 Yehoseph Schwarz, *Tevuot ha-Arez*, (Jerusalem 1842), p. , and 3rd edition ed. A. M. Luncz, (Jerusalem, 1900), p. 427.

95 Iyar, 5626 (1866), volume 9, p. 40a.

96 Rabbi M. Turgeman, *Kunteres Mishpat le-Elokai Yaakov*, (Jerusalem, 1847); rare pamphlet to be found in Jewish National University Library. See T.V. Parfitt, *Jews in Palestine*, pp. 147-149; also F.O. 195/292 (no. 3 Finn to Canning 6/4/1850); Gat, pp. 24-5; also enclosure to F.O. 195/293 (no. 3) Finn to Canning 6/4/1850.



strengthening the position of the Sephardi community, the consular power base - inasmuch as it rested on the Ashkenazi community - became inevitably weaker.

Other confrontations were to wrack Sephardi/Ashkenazi relations. In particular, the question of independent ritual slaughter (*shehita*) by the Ashkenazi community was a persistent irritant in relations between the two communities. Like that surrounding the inheritance *takkanah*, this conflict was primarily fueled by economic considerations.

The Sephardi community, burdened by heavy Ottoman taxes, levied a *gabella*, a communal tax, upon the sale of meat. Since the Sephardim held the monopoly on maintaining a kosher abattoir in Jerusalem, the Ashkenazim were unwillingly supporting the Sephardi community by paying the tax. Theoretically, it was possible for the Ashkenazim to open an abattoir of their own; there was nothing in either Jewish or Ottoman law to prevent them from doing so. However, an obstacle arose from an unexpected quarter. In order for a Jewish ritual abattoir to be economically viable - then as now - it was necessary to find a "secondary market" for the carcasses of animals which the slaughterers considered to be ritually imperfect (thus rendering them unfit to be sold or eaten as kosher food). Without this "secondary market", such carcasses were a total economic

loss to the abattoir, making it economically unviable. The "secondary market" in *Erez Israel* was, naturally, the Muslim population.

The Islamic faithful were bound by Muslim religious law, which enabled them to eat only meat slaughtered according to certain religious rules. These permitted the consumption of meat slaughtered according to Jewish ritual, even if the meat was unacceptable in accordance with Jewish requirements of *kashrut*. The important point was that for the meat to be permissible to Muslims, the slaughterer had to be a recognized member of the Jewish community. According to the practice in *Erez Israel* at that time, the religious status of a Jewish *shohet* was determined by a certificate, issued by the *Hakham Bashi*, which testified that the slaughterer was "of the seed of Abraham, Isaac and Jacob."<sup>97</sup>

The *Hakham Bashi* preserved the Sephardi monopoly on *shehitah* by simply refusing to certify Ashkenazi *shohatim*. Without such certification, an Ashkenazi abattoir had no Muslim secondary market, and without this secondary market, no abattoir could be economically viable.<sup>98</sup>

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97 See Yehoshua Yellin, *Zikhronot le-Ven Yerushalayim*, (Jerusalem, 1924). See Gat, p. 73.

98 See F.O. 195/727 wherein James Finn describes the situation of the Ashkenazim and calls for its alleviation. See Appendices XVIII and XIX. See also Frankl, *Yerushalaima*, p. 182 where he relates that the Ashkenazim lost 40,000 piastres - a very large sum - when they attempted to slaughter independently of the Sephardim.

The result was that the Ashkenazim were forced to use the Sephardi abattoir, and to pay the "meat tax" levied by the Sephardi community.

There was a certain justice in the Sephardi refusal to part with their monopoly of meat production in *Erez Israel*. The Ashkenazim, were mostly considered non-*ra'aya*, and the taxes levied on the Jewish community by the Ottoman authorities were therefore borne almost exclusively by the Sephardim. By retaining their monopoly on the slaughter of meat and attaching a tax to its sale, the Sephardi community could compel the Ashkenazim to share this tax burden. If the Ashkenazim wished to eat meat, they had to pay the taxes.<sup>99</sup> The Ashkenazim attempted to undermine the Sephardi position by claiming that their members could not eat meat slaughtered according to Sephardi ritual,<sup>100</sup> but Rabbi

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99 See H.J. Zimmels, *Ashkenazim and Sephardim*, (London, 1958), p. 60.

100 See *Ha-Levanon* (1867), p. 132, where it says that "when the *shohet* is a Sephardi, many Ashkenazim refrain from eating the meat, for the Ashkenazim have stricter rules [relating to] the laws of the *shehita* [ritual slaughter]." See also Kahanov, *Sha'alu Shelom Yerushalayim*, (Jerusalem, 1867, p. 80) where he states that because the Sephardim were not as strict in their *shehita* as the Ashkenazim, many Ashkenazim did not eat meat throughout their entire stay in the Holy City, and he says in 1867

"and now, thanks be to God, this stumbling block has been removed. . . that in the previous winter, there gathered together a great assembly of the rabbis. . . of the Ashkenazim and it was decided to make every effort to change the status of the matter, that we

Shalom Moses Hai Gagín argued against this Ashkenazi position in his *Responsa Yismah Lev*. In a *responsum* sent to an Ashkenazi rabbi living in Jerusalem, Rabbi Gagín reiterated the basic position of the Sephardi community towards the Ashkenazim:

"I am most concerned. . . that rabbis and teachers from our brethren, the Ashkenazim, . . . wish to be stricter with themselves with regards to the matter of *shehita*. . . and this in spite of the fact that through many years the first [Ashkenazim] who came at the beginning ate from our *shehita* and according to our custom. . ."101

Rabbi Gagín went on to claim that Sephardi customs should be followed, since

"we are the more numerous, and we are the citizens of this country,"102

and later, in the same *Responsa*, he complained:

"without any doubt we Sephardim are much more numerous than they, and in spite of that, they gave leave to themselves. . . to act according to their custom. . ."103

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will not be enslaved so much to the Sephardim in the matter of *shehita*."

See also discussion of Ashkenazi strictures with regards to ritual slaughter in: H.J. Zimmels, *Ashkenazim and Sephardim*, (London, 1958), p. 199.

101 Rabbi Shalom Moses Hai Gagín, *Responsa Yismah Lev*, (Jerusalem, 1878), *Even ha-Ezer* Section Mark 4, p. 7.

102 Ibid.

103 Ibid.

In the *Responsa*, Rabbi Gagin also praised the eminent Ashkenazi Rabbi Meir Auerbach, who acted in this matter in support of the Sephardim.

It is interesting to note the earlier and contrary testimony of Rabbi Eliezer Bergman on this matter, in 1835. He said that

"the Sephardim themselves. . . prefer Ashkenazi ritual slaughterers, and this because of their better tools and their finer art. And even when the ritual slaughterer is Sephardi, he uses a knife authorized by an Ashkenazi."<sup>104</sup>

For years, the Ashkenazim tried in vain<sup>105</sup> to obtain recognition of their Jewishness from the Muslim religious authorities. At one point, in an attempt to break the Sephardi monopoly, the Ashkenazim proclaimed a *herem* that prohibited any Ashkenazi from buying meat from the Sephardim.<sup>106</sup> After much lobbying and assistance by the consuls<sup>107</sup> and other powerful figures, such as Montefiore, (himself a Sephardi), the Ashkenazim were finally recognized

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104 *Yiseu Harim Shalom*: Letters of Rabbi E. Bergman, A. Bartura.

105 See Yellin, *Zikhronot le-Ven Yerushalayim*, (Jerusalem, 1924), p. 99.

106 Ibid. p. 104. Yellin relates that the *herem* was accompanied by a demonstration by a large crowd of Ashkenazim before the council house of the Pasha. During this demonstration, which became exceedingly rowdy, there were demands that the *Hakham Bashi* himself should come and testify before the Pasha that the Ashkenazim were not of the Children of Israel. Tempers rose so high that finally the Pasha himself came out and calmed the crowd down. See Yellin, p. 105.

107 See Hyamson II, pp. 298-301, 343.

by the Muslim authorities<sup>108</sup> and the members of the Muslim community were finally permitted to eat meat from their abattoir.

In 1867 Rabbi Nehemia Kahanov described how:

"In the beginning, they [the Ashkenazim] began in an amicable manner, and wished to conclude with the Sephardim in any way, as long as they would testify before the rulers of the Ishmaelites that we too are descendents of Jacob, just like them [the Ashkenazim], and they were unsuccessful. And then they

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108 Apart from the economic aspects of what the refusal of the *Hakham Bashi* to officially recognize the Ashkenazim as Jews, the Ashkenazim smarted under the profound insult that they were not considered Jewish. In the newspaper *Ha-Levanon*, 5626 (1866), p. 133, the Ashkenazim stated

"even in Constantinople. . . the Muslims eat [meat] from an Ashkenazi *shohet*, and the rabbi of the Sephardim also relies on them."

See also A. M. Hyamson, *The British Consulate in Jerusalem in Relation to the Jews of Palestine*, volume 1, 1939; volume 2, 1941, London, p. 297, wherein he states that in Constantinople and all the other large cities in the Turkish Empire, the Ashkenazim and the Sephardim are both recognized as Israelites and both undertake *shehita* equally. Furthermore, see *Ha-Levanon*, 3rd of Iyyar 5626 (1866), volume 9, pp. 132-133. Also Hyamson, *Ibid.* p. 343, where it is related that a Sephardi rabbi was asked by the Muslims whether the Ashkenazim were of the Children of Israel, and responded "I do not know". That the Ashkenazim were highly insulted by this is evident when years later in the course of an argument concerning the funds of *Kolel America*, the Ashkenazim put forward against the Sephardim

"why did you not respond at that time that we are all the sons of one man?"

See "*Meshiv Hakhamim*", *Ha-Zvi* newspaper, volume 3, (Jerusalem, 1890).

[the Ashkenazim] decided unanimously to execute their plan. . . and several important individuals who have good connections in the courts of the rulers of the land and also the consuls, laboured for the benefit of the community. . . and after much labour and expense. . . the word of the government was issued with the agreement of all the ministers and advisors that the Ashkenazim are also Jews, and that their *shehita* is as kosher to the Ishmaelites as the Sephardi *shehita*! and there was great joy among the Ashkenazim in the Holy City. . . joyous is the generation in whose days such an amendment has been achieved. . . as a result of this, the price of meat has gone down slightly, and we hope that in the fullness of time it would be lowered even more."<sup>109</sup>

Other aspects of the relationship between the Ashkenazim and Sephardim were less acrimonious. For example, the relationship between the Ashkenazi and Sephardi *battei din* (religious courts) was a mixed one.

The nine-member Sephardi court was appointed by the *Hakham Bashi*, and its *dayyanim* (judges) divided the work up between them so that every three *dayyanim* served alternatively as "the *Bet Din* of the time":

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<sup>109</sup> *Sha'alu Shelom Yerushalayim*, pp. 81-82. See M.D. Gaon, *Yehudei ha-Mizrah be-Erez Israel*, (Jerusalem, 1928) p. 123 where he describes how the Ashkenazim received recognition as Jews from the Muslim scholar Sheikh Asa'ad and that every faithful Muslim was entitled to eat from their slaughter. In 1867, the Ashkenazim established their own distribution for meat and an abattoir. They continued to levy a reduced *gabella* which was now utilized for Ashkenazi purposes.

"And because we, the young members of the community, were. . . the *Bet Din* of the time, he sent them to us."<sup>110</sup>

The Turkish authorities respected the rulings of this Sephardi *Bet Din*, and, when necessary, gave its rulings the force of law.

The two communities used each other's *battei din*, and it is evident from the sources that the Ashkenazim often turned to Sephardi courts on a variety of matters. It was less common for the Sephardim to turn to the Ashkenazi courts.

When dealing with Ashkenazi matters, the Sephardi courts insisted on applying their own customs. One typical example is provided by a divorce case which was processed before the Sephardi courts in 1831. In this case, there was a question over whether, in the bill of divorce (*get*), the woman should be referred to by the name "Zviah", as she was known among the Sephardim in the city, or whether she should be referred to as "Feigy", as she was known among the Ashkenazim. Any irregularity in the inscription of the name could invalidate the divorce, and in turn cause a series of serious legal consequences. An invalid *get* could prevent the woman from remarrying, and if she had already remarried on the basis of the flawed *get*, her second marriage would be invalid. Moreover, any children from the second marriage would be

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<sup>110</sup> Rabbi Aharon Azriel, *Responsa Dapei Aharon, Even ha-Ezer* mark 4, p. 72b. (Jerusalem, 1891).



considered illegitimate. The court thus bore a heavy responsibility to decide the issue correctly. In this case, the Sephardi court decided to refer to the woman by the name "Zviah" because "the Sephardim are the majority in this city. . ."111

In 1854, Rabbi Moses Pardo, the eminent Sephardi *dayyan*, wrote a *Responsum* enabling an Ashkenazi woman to remarry, despite a bill of divorce whose validity was questionable.<sup>112</sup> Rabbi Pardo returned to the same case in another *Responsa* and described the circumstances more fully.

He prefaced his *responsum* by stating that neither he nor his *Bet Din* really wished to deal with this matter:

"because this woman is an Ashkenazi and what have we to do with her problem? We have enough carrying the burden of the people of our own community - the Sephardi community - and it is sufficient that we should bear up under our own."<sup>113</sup>

Nevertheless, after some debate on this point, Rabbi Pardo decided that his court would take jurisdiction over this Ashkenazi case because the Ashkenazim

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111 Hayyim Daniel Shlomo Penso, "Mazkeret Gittin" in: *Zakhor le-Yitzchak*, (Jerusalem, 1913), p. 3. See also H.J. Zimmels, *Ashkenazim and Sephardim*, (London, 1958), p. 293-4 where he discusses a similar case.

112 *Responsa Shemo Moshe*, (written during his years as *Shadar* for Jerusalem by Rabbi Moses Pardo, (Izmir, 1874), *Even Ha-Ezer* Section 2, p. 55b.

113 *Ibid.* Section 3, p. 58.

"have come to live in our country, they are our brethren - the Holy Community of both the Hasidim and Ashkenazim - they mostly adjudicate in our *battei din*."114

Another reason for why Rabbi Pardo would have had misgivings about dealing with this case is that, as he discovered much later, the matter had already been dealt with by the Ashkenazi *battei din*, headed by Rabbi Samuel Salant. Had he known this earlier, he declared in his *Responsum*<sup>115</sup> he would have refused to deal with the matter altogether.<sup>116</sup>

This mild Sephardi reluctance to deal with the Ashkenazi community's judicial problems can also be found in the writings of other *dayyanim*, not least in the *Responsa* of Rabbi Rahamim Joseph Franco. This, too, dealt with a matter of divorce and involved an Ashkenazi woman who had married her cousin. On separating, the woman demanded the jewelry her husband had given her as a gift. He refused and they both turned to the Sephardi court for a judgement. Rabbi Franco said

"and in as much as the rivals in this case are from our brethren of the community of Ashkenazim, I did not want to deal with this because we have enough

114 Ibid. (My emphasis - C.K.)

115 Ibid.

116 Interestingly, he referred to Rabbi Samuel Salant as the rabbi of "the *Hasidim*". This is not accurate, as he was the rabbi of all the Ashkenazim, but perhaps the term "Hasidim" was a generic term used by the Sephardim to describe Ashkenazim.

of our own, and why should I enter into an area which is not mine. Praise be to the blessed Lord, there are. . . judges in this country of the wise men, rabbis and geonim of the Ashkenazi community, may the Lord be with them, whose small finger is bigger than my waist [in wisdom]."117

It should be noted, however, that despite his reservations, Rabbi Franco did proceed to give judgement.

In the same vein, Rabbi Jacob Saul Elyashar demonstrated a similar reluctance to respond to a question raised by the administrators of *Kolel Wohlen* regarding a dispute among its leaders. This case was a public matter, as it related to the contested presidency of *Kolel Wohlen* and the various parties which had put their respective claims to the post. Rabbi Elyashar declared:

"truth to tell, I should by all rights prevent myself from answering. . . [this question]. . . for why should I cross the border into that which is not mine, for they are from our Ashkenazi brethren."118

The reluctance of the Sephardi rabbinical authorities to become involved in Ashkenazi affairs was understandable; there was nothing to gain and much to lose from upsetting

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117 *Responsa Sha'arei Rahamim*, Vol. 2, (Jerusalem, 1902). This volume refers to the period when Rabbi Franco officiated as the rabbi of Hebron (i.e. from the year 1878). See Mark 31, p. 31b.

118 *Responsa Ma'aseh Ish* ("ish" is an acronym - in Hebrew - of the name Elyashar, Jacob Saul). *Hoshen Mishpat*, p. 90b.



the delicate relationship between the two communities through judicial interference. Nevertheless, despite the repeatedly stated reluctance, the Sephardi courts, after some formal display of hesitation, usually proceeded to adjudicate over Ashkenazi disputes. It would seem that this reluctance was a *pro forma* courtesy to the Ashkenazi courts rather than an important legal consideration.

Rabbi Jacob Saul Elyashar adjudicated on various divorce cases involving Ashkenazi or mixed Sephardi couples. One such divorce case involved an Ashkenazi husband in 1878. Elyashar had to decide whether or not the husband's name which appeared on the *get* was valid. According to the Sephardi community, the husband's name was "Yosef", but the Ashkenazim knew him as "Zeidel". Would the fact that only the name "Yosef" appeared on the *get* invalidate the document? Rabbi Elyashar ruled that the *get* was, in fact, valid, and made some important *obiter dicta* statements about the attitude that a Sephardi court would adopt when the two parties came from the two different communities.

"Most of the rabbis of this city [Jerusalem] are Sephardi, and their presumption was that his name is Yosef, and this in spite of the fact that the Ashkenazim call him 'Zeidel'. . . . And at that time, simply because the Sephardim were many more than the Ashkenazim, and [because] during that time his name was established to be Yosef by the Sephardim, that is why from

the beginning it was right to write the name Yosef. . . ."119

However, the question of whether Sephardi courts had jurisdiction over the Ashkenazim arose in full force when the Ashkenazim were subpoenaed or invited to appear before a Sephardi *Bet Din*. It is evident that the authority of a Sephardi *Bet Din* to subpoena Ashkenazim was by no means taken for granted, and in some cases, the Sephardi court's authority was not recognized by Ashkenazim who were called to appear before it.

For example, a dispute arose within the Ashkenazi community over a hazer known as the Radshkowitz Courtyard, and the case was brought before the court of the *Rishon le-Zion*, the Sephardi Chief Rabbi. The Sephardi court proceeded to summon the leaders of the Ashkenazi community: Rabbi Meir Auerbach and Rabbi Samuel Salant. They did in fact appear,<sup>120</sup> but when Rabbi Salant was later recalled, he refused to appear and declared that the Sephardi *bet din* had no jurisdiction in this matter.<sup>121</sup>

That the Sephardi *battei din* did not truly doubt their jurisdiction over Ashkenazi affairs is demonstrated by the

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119 Rabbi Benjamin Mordechai Navon and Rabbi Jacob Saul Elyashar (joint authors), *Responsa Benei Binyamin ve-Karev Ish*, (Jerusalem, 1881), *Even ha-Ezer*, Section Mark 18.

120 *Ha-Maggid*, Heshvan 1863, no. 42, p. 332.

121 *Ibid*.

fact that the Sephardi *bet din* did not hesitate to denounce an Ashkenazi *dayyan* when it believed that he had made a gross error in judgement. This is evident from the *Responsa Divrei Yosef*<sup>122</sup> in which Rabbi Yehoseph Schwarz describes a curious event which occurred in 1848. This involved a non-Jew who was converting to Judaism and had already been circumcised, but had not yet fulfilled the final requirement of immersion in the ritual bath (*mikveh*). A question arose about his status as a Jew, and particularly about whether or not he was prohibited from performing any of the tasks forbidden on the Sabbath. One Ashkenazi *dayyan* insisted on applying an obscure ruling taken out of context which stated that a Gentile was not permitted to pretend to be Jewish by keeping the Sabbath. Without consulting his colleagues, this *dayyan* acted:

"on the Sabbath day, the messenger of the *Bet Din* of the community of the Ashkenazim came to him [the prospective convert] and ordered him in the name of the *Bet Din* - he lied to him, because his mission was not with the agreement of the *Bet Din* but . . . of one of the judges only - that he must do work upon the holy Sabbath. . . ."123

The convert objected to performing acts which are forbidden to Jews on the Sabbath and repeated that for many years he had not worked on the Sabbath. The messenger, however, insisted that he perform these tasks and told him that this

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122 (Jerusalem, 1862), p. 83b.

123 Rabbi Yehosef Schwarz, *Divrei Yosef*, (Jerusalem, 1862), *Responsa* 4, p. 83b.

was indeed the decision of the Bet Din. The messenger insisted that he write his name on the holy Sabbath, which he finally did. When this became known, the rabbis were outraged:

"And on the next day, the matter was known in the city amongst the rabbis, who were filled with anger against this *dayyan*, . . . and the *Rishon le-Zion* and all the scholars of the Sephardi community decided to reprimand him publicly."<sup>124</sup>

It is clear that Ashkenazim turned to the *battei din* of the Sephardim, particularly when Ashkenazi public-affair disputes were involved. An early and famous case concerned the request of Rabbi Israel of Shklov and Rabbi Isaiah Bardaki to the *Rishon le-Zion* and the Great [Sephardi] Court (*Bet ha-Din ha-Gadol*) of Jerusalem. The rabbis appealed to the Sephardi authorities to prevent prayers in the new synagogue called "Menahem Zion," which was established on the site of the Hurvah, the Synagogue of Rabbi Judah he-Hasid, within the walled city of Jerusalem. The Sephardi judges were also asked to issue an injunction forbidding the entry of a *Sefer Torah* (Torah Scroll) into the synagogue.

This extraordinary request came about as a result of the difference of opinion between the first Ashkenazim in *Erez Israel* as to whether they should seek the rights to rebuild the Hurvah Synagogue. An attempt to obtain a *firman* to

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124 Ibid.



rebuild meant that they risked a violent confrontation with the Arabs, who knew the value of the site to the Ashkenazim and regarded it as security for the old debts that the Ashkenazim incurred a century earlier as described above. Rabbi Israel favoured a scheme which involved buying a different courtyard in which to create a centre for the Ashkenazim in Jerusalem,<sup>125</sup> in order to avoid arousing the ire of the Muslim creditors. There is a note of unseemly haste in the request to the Sephardi *Bet Din*.

"We very much ask that this [injunction] be sent quickly this very day, immediately, because we have heard that tomorrow they wish to enter [into the building]. . . ."126

In some cases the Ashkenazi attitude to the Sephardi court was rather cavalier; they sometimes accepted and sometimes refused to accept its authority, whichever suited their interests at the moment. In 1855, when it seemed that the wardens of the *Hurvah* had exceeded their authority, the Ashkenazi *Bet Din* lodged a protest with "their honor, the

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125 It should be noted that the fears of Rabbi Israel of Shklov were proved partly correct when later on, after the *Hurvah* was rebuilt, one of the major figures involved in obtaining the permit from Constantinople for the rebuilding, Rabbi Shlomo Zoref, was murdered by aggrieved Arab creditors. See Gat, p. 84

126 See *Teudot le-Toldot ha-Yishuv ha-Yashan*, by Itzchak Alfasi, Bar Ilan Yearbook 43, 1968, p. 219. It should be noted that Israel and Bardaki had no other court to turn to as there was no Ashkenazi *bet din* in Jerusalem at that time.

great rabbis. . . of the Holy Community of the Sephardim."<sup>127</sup>

So, despite the soft-spoken, almost coy, reluctance by the Sephardi courts to adjudicate on Ashkenazi matters, the Ashkenazim continued to press to be heard before them. It was only natural that Ashkenazi disputants believed that the only real source of unprejudiced halakhic rulings would be the Sephardi courts, particularly when it came to public issues which divided the Ashkenazi community,

Once a Sephardi court had accepted jurisdiction in an Ashkenazi dispute, it acted boldly and in disregard of possible political repercussions. When, for instance, the above-mentioned dispute arose regarding the presidency of *Kolel* Wohlen, the matter was brought before Rabbi Elyashar, who decided, after much deliberation, that the then-president of the *kolel* could not be removed. To this was added the formal agreement of the *Hakham Bashi*, Rabbi Raphael Meir Panigel. In no uncertain terms, and without regard to any possible jurisdictional problems, Rabbi Panigel stated

"this is the law of the Torah, and I have ruled that no man can take over the

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<sup>127</sup> Grayevski, *Mi-Ginzei Yerushalayim*, (Jerusalem, 1930). pamphlet 6.

position of the present president of the Kolel of Wohlen."<sup>128</sup>

From the *Responsa* of Rabbi Hayyim Abraham Gagin, particularly the *Responsa Hukei Hayyim*,<sup>129</sup> it is evident that Rabbi Gagin ruled on various economic disputes among Ashkenazim, notably in a dispute between the Ashkenazi kolels in 1830.

In 1845, Rabbi Hayyim David Hazzan acted as an arbiter in a dispute between the Kolel Hasidim and the Kolel Warsaw. In his ruling, Rabbi Hazzan decided that the Kolel Warsaw had

"taken loans with interest from the non-Jews and. . . it has enjoyed the benefits of these loans, and it has to pay its parts in these debts, and the interest thereof according to their numbers when they separated from Kolel Warsaw."<sup>130</sup>

Rabbi Hazzan remonstrated with the members of Kolel Warsaw, who, he added, had for a long time, "ignored the demands of the *Hasidim* [sic!]."<sup>131</sup>

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128 Rabbi Jacob Saul Elyashar, *Responsa Ma'asei Ish*, (Jerusalem, 1892), *Hoshen Mishpat*, Section Mark 8-9, pp. 89-90.

129 Printed Jerusalem, 1843. See particularly Mark 11, p. 19b; see also Marks 12 and 33.

130 Rabbi Hayyim David Hazzan, *Responsa Nediv Lev*, (Jerusalem, 1866), *Hoshen Mishpat*, Section Mark 30, p. 174. The *Responsa* was written in 1861, the year when Rabbi Hazzan was appointed as *Hakham Bashi*.

131 Ibid.

In a further matter concerning two Ashkenazi disputants in 1859, a Sephardi court was asked to deal with the claim of an Ashkenazi *Shadar* and an Ashkenazi *kolel*. The *Shadar* demanded his share of the funds that were donated by a particular philanthropist, despite the fact that he had never visited the donor. He claimed, however, that the funds were donated as a result of his influence. The two sides chose to seek the adjudication of a Sephardi *Bet Din* rather than an Ashkenazi court.<sup>132</sup>

There were only a very few cases of individual Sephardim asking Ashkenazi authorities to settle their disputes. However, this should not be taken as a mark of lack of Sephardi respect for Ashkenazi *dayyanim*. On the contrary, it was a recognized and accepted practice for Sephardi rabbis, at times, to present rulings to a leading Ashkenazi rabbi for approval. For example, In the *Responsa Benei Binyamin ve-Karav Ish*,<sup>133</sup> Rabbi Benjamin Mordechai Navon validated a particularly difficult divorce, and then sought the opinion of Rabbi Samuel Salant, the Ashkenazi leader. Rabbi Salant was then in his mid-20's and already a highly respected scholar. He responded:

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132 Moses Pardo, *Responsa Shemo Moshe, Hoshen Mishpat*, Section Mark 10, p. 115, 117. The president of the court was Rabbi Abraham Ashkenazi, who was the *Rishon le-Zion*. (Ibid.)

133 Rabbi Benjamin Mordechai Navon and Rabbi Jacob Saul Elyashar (joint authors), *Responsa Benei Binyamin ve-Karav Ish*, (Jerusalem, 1881), *Even ha-Ezer* Section, Marks 11-13.

"I have been awed by his Torah eminence, and asked to look over this judgement relating to a bitter divorce from Damascus. . . which was placed before me. [Despite my doubt] whether a youth of my age should be giving an opinion in these matters, one cannot refuse a great [rabbi such as Rabbi Navon]. . . . Thus I have tried to reveal what I have seen in my modest opinion with the Lord's help."<sup>134</sup>

In the event, Rabbi Salant concurred with the decision of Rabbi Navon and bestowed his approval with:

"the words of the signatory and a lover of Truth and Justice, Samuel Salant, *dayyan*. . . of the *Perushi kolelim*."<sup>135</sup>

It is also evident that the Sephardi judiciary authorities were highly regarded by Ashkenazim. A previously unpublished manuscript, a plate of which appears in this thesis (Plate 21), described the appearance of Rabbi Benjamin Beinush Salant (the son of the Ashkenazi leader Rabbi Samuel Salant) before Rabbi Jacob Saul Elyashar. Rabbi Elyashar was chosen to arbitrate in a dispute between Beinush Salant and his business partners, among whom were both Sephardim and Ashkenazim. The partners were involved in the *etrog* trade, and Plate describes the arbitration ruling signed by Rabbi Elyashar.

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134 *Responsa Benei Binyamin ve-Karav Ish*, Ibid.

135 Ibid.



Rabbi Elyashar refers to the difference in Hebrew handwriting that existed between Sephardim and Ashkenazim. The difference was so great that members of either *eda* had difficulty in reading each others handwriting.<sup>136</sup> Among other points, Elyashar instructed the Ashkenazi partners that

"from hereon, every type of document that they will have to write [and send] abroad has to be written in the Rashi handwriting in order that the Sephardim could understand what is written in it."<sup>137</sup>

Throughout this document, Rabbi Elyashar continuously made reference to the ethnic differences between the partners. He clearly regarded the Sephardim as a separate contingent within the partnership, and viewed them as a single group with unified interests in relation to the Ashkenazi members of the partnership. It would seem, therefore, that a contributing factor to the dispute was the ethnic background of the partners. For instance, Rabbi Elyashar ruled that:

"one of the Sephardim, and there are four of them. . . has to sign documents that are sent abroad, and also to inform [the traders] abroad that those should send all letters from them, in the future, in the name of one of the Sephardim."<sup>138</sup>

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136 See H.J. Zimmels, *Ashkenazim and Sephardim*, (London, 1958), pp. 90-98.

137 Rabbi Jacob Saul Elyashar, *Arbitration Document*, J,N.U.L. Archives 40176/2 no. 1, J. S. Elyashar Archives.

138 Ibid.

Rabbi Elyashar, in this Manuscript, also ruled that there were to be two copies of the accounting books of the business:

"one will be in the hand of the Sephardim and the second will be in the hand of one of the Ashkenazim, and every week they should make an accounting between them and all the partners should sign thereon."<sup>139</sup>

At the bottom of the document, both the Sephardi and Ashkenazi partners confirmed that they accepted Rabbi Elyashar's rulings and would obey them, "turning neither to the right nor to the left."<sup>140</sup>

Despite much effort and research in many archives in Jerusalem and other places, this writer could find no record of any public dispute among the Sephardi community that was ever brought before an Ashkenazi *Bet Din*. In contrast, the writer has established that almost every *Hakham Bashi* was required to adjudicate, at one time or another, on matters of public dispute within the Ashkenazi community.

Apart from matters of public judicial disputes, the two communities did not generally interfere in each other's internal affairs. The word "generally" is important here, for there were significant exceptions. In 1862, Rabbi

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<sup>139</sup> Ibid.

<sup>140</sup> Ibid.



Hazzan, as the head of the Sephardi community, interfered directly in an intra-Ashkenazi dispute regarding the hazer of *Yeshivah Ez Hayyim*. The protagonists were Rabbi Saul Benjamin Hacoheh, and the *Perushi* community. The *Perushim* did not invite or appreciate this interference; nor did they welcome the *Hakham Bashi's* criticism of their internal affairs. Indeed, in 1863, the heads of the Ashkenazi community sent a firmly worded note to Rabbi Hazzan asking him to "remove himself from this subject."<sup>141</sup> This note is accompanied by a thinly veiled threat that his further interference could cause a "breach between the *kolelim* of the Sephardim and the *kolelim* of the Ashkenazim."<sup>142</sup>

In this case, the *Perushim* had excommunicated a Rabbi Samuel Yerushalaimski who had sought Hazzan's judicial protection. Rabbi Hazzan ignored the *Perushi* note and the implied threat, and proceeded to write a *kunteres* on the subject. The *kunteres*,<sup>143</sup> entitled *Divrei Emet*, was published in the newspaper *Ha-Maggid*, and defended the position of Rabbi Yerushalaimski. Indeed, the *Hakham Bashi* ordered Rabbi Meir Auerbach and Rabbi Samuel Salant to appear before him and the Sephardi *Bet Din*, in accordance with the demands of their opponents, and invited them to debate the case. Courageously, the *Hakham Bashi* did not hesitate to rule against the heads of the *Perushim*

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<sup>141</sup> Eliezer Rivlin, *The Biography of the Zaddik Rabbi Yosef Sundel of Salant*, (Jerusalem, 1927), p. 141.

<sup>142</sup> Ibid.

<sup>143</sup> *Ha-Maggid* of September 1873.

"in a matter of Rabbi Mendel Yerushalaimski, who has been excommunicated, and whose excommunication is unfair."<sup>144</sup>

Even Rabbi Joseph Sundel of Salant, a revered figure in the Ashkenazi community, protested this Sephardi intervention in Ashkenazi affairs. The divide between the two communities is documented in a statement made by Rabbi Joseph Sundel Salant on the 21st of Tevet 1864, in which he noted:

"In reference to the astonishment of many people regarding the behaviour of the rabbis of the Sephardim, may they live until 120 years, who presume on themselves and write to *Ha-Maggid* for their words to be published, one cannot rely on their words in spite of the fact that they are scholars and righteous people. They assuredly do not know anything about the affairs of the Ashkenazim, and [thus they are wrong when]. . . they are ensnared by the above rabbis [i.e. the protagonists of the anti-*Perushi* case] who appear [before them] and [they, the Sephardim] say that they [the protagonists] are great in the Torah and in righteousness, for they do not know the Ashkenazim and [they do not know] who is honest and who is stubborn. Of course, their intention is to serve heaven, but it would be much better for them to be silent and not to interfere in affairs of the Ashkenazim, in the same way as the Ashkenazim do not interfere in the affairs of the Sephardim."<sup>145</sup>

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144 *Ha-Maggid*, 15th Marcheshvan 5624 (1864), Vol. 42, p. 332.

145 Quoted by E. Rivlin, in *Ha-Zaddik Rabbi Yosef Sundel*, p. 37.

This dispute appeared to create a serious rift between the two communities, a rift which is demonstrated by a document signed in 1865 by Rabbi Hayyim Hazzan, Rabbi Meir Auerbach and Rabbi Samuel Salant, and which appears to be a kind of "peace treaty" after a quarrel. While this document does not specifically refer to the dispute, the proximity of the two events leads to the inescapable conclusion that the 1865 document was intended to cool overheated inter-communal resentments. In one section, the document declared

"Before all Israel. . . here, the Holy City of Zion, the scholars and the rabbis of the Sephardim and the scholars and the rabbis of the Ashkenazim, in love and in harmony. . . ."

and

"let there be a flag of peace between us as is proper and right. . . let us awake to seek a real peace. . . and may the Lord bless his nation in peace. . ."146

Another example of inter-communal interference occurred in 1876 during a dispute between the *Havazelet* newspaper and the *Perushi kolel*. The *Perushim* were anxious to demonstrate to Jews abroad that even the Sephardim, who were not parties to the dispute, disapproved of the editor of *Havazelet*. The Sephardi leaders agreed to intervene in a purely Ashkenazi affair. In 1876, a letter signed jointly by the *Hakham Bashi* (Rabbi Abraham Ashkenazi), Rabbi Meir Auerbach and

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146 Grayevski, *Mi-Ginzei Kedem*, 1930, pamphlet 1, p. 8.

Rabbi Samuel Salant, was sent to the Chief Rabbi of England, Rabbi Nathan Marcus Adler, denouncing the publishers of *Havazelet* as:

"the publishers of a journal which defames the Torah and its disciples with lies. . . and with curses. . . and therefore we have come to inform his Geonic Eminence that the support of the wealthy Jews of London that is given to this sect [sic!] is a great danger to God's realm. . . ."147

Rabbi Benjamin Beinush Salant, son of Rabbi Samuel Salant, also complained to the editor of *Yehudah vi-Yrushalayim* that his newspaper did not publish the joint Ashkenazi-Sephardi *herem* that had been placed on the newspaper *Havazelet*.

"It is here, in the city of our holy places, that the decree was published in which the great rabbis, the heads of the *battei din* of both the Sephardim and the Ashkenazim, may the Lord save them and preserve them, forbade the reading of the journal *havazelet*, and all the people, whether they are Sephardim or Ashkenazim stay away from it. . . . You have a duty to publish immediately the letters from the rabbis, the *geonim*, the heads of the *battei dinim* of our brethren the Sephardim, may the Lord keep and preserve them, also the letters of the rabbis, the *geonim* of the *battei din* of the Holy Community of the Ashkenazim [and publish them]."148

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147 *Yehudah vi-Yrushalayim*, Kressel edition, (Jerusalem, 1955), pp. 23-4.

148 Ibid. p. 55. [My emphasis - C.K.] See also Ibid. pp. 176-177, wherein one can find the texts of the *haramot* of the Sephardi and Ashkenazi *battei din* and the agreement of the *Hakham Bashi*.

In the realm of social relations between the Ashkenazim and the Sephardim, there were, as pointed out earlier, two viewpoints - one was idealized and hopeful; the other more down to earth and realistic.

Rabbi Jacob Saul Elyashar, in a letter to the editor of *Yehudah vi-Yrushalayim*, wrote

"only peace and true love join the pure hearts of our Sephardi brethren and the Ashkenazim together. Each will say to his friend 'be strong'."<sup>149</sup>

Earlier, however, in his eulogy of the late Rabbi Meir Auerbach, Rabbi Elyashar had said

". . . dear Ashkenazi and Sephardi brethren, remove from yourselves all jealousy, hate and competition."<sup>150</sup>

In the same vein, Rabbi Shalom Moses Hai Gagin was expressing a hope rather than an expectation when he said, in the *Responsa Yismah Lev*:

"may the blessed Lord bless them, repair them, and may He improve us with good counsel. . . and we [the Ashkenazim and Sephardim] will be as brethren sitting together."<sup>151</sup>

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149 *Yehudah vi-Yrushalayim*, Kressel edition, pp. 55-56.

150 *Ibid.* p. 162.

151 *Yismah Lev*, *Orah Hayyim* Section Mark 18.

A precondition for any social relationship is a common language. At the beginning of the century, Rabbi Menahem Mendel of Shklov, the leader of the *Perushim*, wrote

"the custom of the Sephardi Jews [is that]. . . the language spoken amongst them is the language of Portugal and they use the Hebrew language where Portuguese is not known."<sup>152</sup>

Rabbi Eliezer Bergman, in 1855,<sup>153</sup> stated that

"it should be noted that not all those who are in *Erez Israel* are knowledgeable [of the Hebrew language]. There are Sephardim who work here, and amongst whom there are people who do not know how to speak at all in the holy tongue [i.e. Hebrew]. There are also a few Ashkenazim that [who do not know how to speak the Hebrew tongue]."<sup>153</sup>

In 1867, Rabbi Kahanov wrote that:

"most of the Sephardim here are of Portuguese origins and speak either Portuguese or Spanish. . . and there are other Sephardim who are called the *Moghrabi*, who come from the far Maghreb countries from. . . Morocco and Algiers. They also behave according to the Sephardi customs, but their language is Arabic, and there are a few other differences between them and the Sephardim."<sup>154</sup>

Since few Ashkenazim spoke Ladino or Portuguese and few Sephardim spoke Yiddish, Hebrew played an important role in

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152 *Korot Ha-Itim*, (Vilna, 1840), new publication Jerusalem, 1931, p. 13.

153 Eliezer Bergman, *Yiseu Harim Shalom*, p. 92.

154 *Sha'alu Shelom Yerushalayim*, p. 48.

linking the two communities. David Debeit Hillel related that "when Sephardim and Ashkenazim met they spoke to one another in Hebrew."<sup>155</sup> In addition, contracts and court documents were written in Hebrew. It is interesting to note that, when Hebrew-language newspapers began to appear after 1863, Rabbi Jacob Saul Elyashar wrote to the editor of the Hebrew-language *Yehudah vi-Yrushalayim* with a request that the newspaper should report also on events within the Sephardi community.

"The seekers of the peace of the Holy Cities abroad will be delighted when you describe and present before them the activities of the dear people of our Sephardi brethren who are also active . . . in broadening the Yishuv of the Holy City."<sup>156</sup>

Meanwhile, Rabbi Shalom Moses Hai Gagin, in his *Responsa Yismah Lev*,<sup>157</sup> addressed the question of whether Jews should be prohibited from reading secular books and newspapers. In considering the matter, Rabbi Gagin took into account that reading such material could improve the reader's Hebrew. Ultimately, on this basis, he concluded that Jews should be permitted to read secular newspapers, for

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155 A. Ya'ari, *Masa'ot Erez Israel*, (Tel Aviv, 1946), p. 505. See also E. A. Finn, *Reminiscences of Mrs. Finn*, (London, 1929) p. 56. See T.V. Parfitt, "The Use of Hebrew in Palestine 1800-1882," *Journal of Semitic Studies*, Autumn, 1972, and "The Contribution of the Old Yishuv to the Revival of Hebrew," *Journal of Semitic Studies*, Autumn, 1982.

156 *Yehudah vi-Yrushalayim*, p. 56.

157 (Jerusalem, 1878), *Orah Hayyim* Section Mark 18, p. 18.

"these periodicals in our time are in the holy language [i.e. Hebrew] and they are instructive to broaden the [use of] the Hebrew language. . . . And when we will have eternal salvation, all the people of God will know one language and each will recognize the other's tongue."<sup>158</sup>

At the same time, however, an open letter written in 1894 by Rabbi Samuel Salant to the rabbis of Russia, Germany, America and England<sup>159</sup> (see Plate 19) referred to a Sephardi petition for funds among Ashkenazi communities abroad. The petition was for funds for a *Talmud Torah* which, the Sephardim claimed, was attended by Ashkenazi children. According to Rabbi Salant,

"it is well known to all who come within the gates of Jerusalem that this is not so, and that this was not and could not have been, for our Portuguese [sic] brothers [speak] another language, and most of the Ashkenazi children could not understand their language."

It seems obvious from this that there was, in fact, no shared language between Ashkenazi and Sephardi school children in their schools and this undoubtedly reflected - to some degree, at least - a situation prevalent in adult society, too.

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158 Ibid. And this several years before Eliezer Ben Yehudah came to live in Jerusalem!

159 J.N.U.L. document no. L1579/E114.99 *Yerushalaima*, Frankl, p. 178.



In other social matters, it is interesting to note the attraction that Sephardi customs and dress held for some Ashkenazi immigrants. Many Ashkenazim assumed Eastern dress when they arrived in Jerusalem. The original reason was, of course, the desire not to be recognized by Arab creditors trying to collect the outstanding debts of the previous Ashkenazi community in Jerusalem. In later years, when this ceased to be an issue, the practice continued for reasons that are not always clear. For example, in the 1830's some members of the *Kolel* HoD assumed Eastern clothing after their arrival in Jerusalem<sup>160</sup>. This was despite the fact that according to Rabbi Eliezer Bergman, the wearing of Western European clothes during this period was something of a status symbol among the residents of Jerusalem:

"German clothes obtain greater respect than local clothing."<sup>161</sup>

Later, Rabbi Bergman added that:

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<sup>160</sup> Rabbi Kahanov described this phenomenon in 1867:

"the German Jews talk in the language as they did abroad, and their manner and their custom are as they have been accustomed in their lands of their birth in previous generation. A few. . . wear according to the customs of the Sephardim. The Sephardim wear wide clothes, and on their heads they wear a red hat (fez)...."

[*Sha'alu Shelom Yerushalayim* p. 50.]

Compare A.E. Finn, *Reminiscences of Mrs. Finn*, (London, 1929) pp. 55, 135; see also Hayyim Hamburger, *Shelosh Olamot*, (Jerusalem, 1939), p. 57.

<sup>161</sup> *Yiseu Ha'rim Shalom*, p. 92.

"none of those who wish to immigrate to *Erez Israel*. . . should change clothes or dress for. . . it is an important matter and a great prestige to dress here in our clothing and our hats, and anyone who wishes to go before a person of importance here borrows from us, the Jews Germany, clothes to be seen in."<sup>162</sup>

These words, however, were written in 1835, at which time there were only five Jews from Germany living in Jerusalem.<sup>163</sup> This advice is also uncharacteristic from Rabbi Bergman, a member of the *Kolel* HoD who was personally enchanted by Eastern clothing and mannerisms, and was later practically assimilated into the Sephardi community. Such "assimilation" by Ashkenazim was not uncommon, and they were welcomed by the Sephardim. Ashkenazim who became very close to the Sephardi community were for example, frequently accorded Sephardi titles. Rabbi Bergman for example gained the honorific "*Hakham*".<sup>164</sup>

There were a few inter-communal marriages, although this was apparently not very common. Sometimes marriages were arranged between the children of important Sephardi and Ashkenazi families.<sup>165</sup> Such important Ashkenazi families as the Bardaki family, the Prager, and the Sapir families all married into the Sephardi community. Although such marriages did not appear to detract from the high regard

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162 Ibid. p. 107.

163 Ibid. p. 79.

164 Ibid. p. 94.

165 See *Responsa Benei Binyamin Vekarav Ish, Even ha-Ezer*, Section Mark 18.

that the members of these Ashkenazi families enjoyed in their community, they remained the exception rather than the rule.<sup>166</sup>

The construction of Jewish residential areas outside the walls of Jerusalem's Old City was primarily an Ashkenazi initiative, although Rabbi Jacob Saul Elyashar noted, in a letter to the newspaper *Yehudah vi-Yrushalayim*:

"many of our brethren of [the Sephardim] have set forth to expand the *Yishuv* outside of the city and have joined the companies of *Nahalat Shiva*, [founded 1869] *Even Israel* [1875], *Mishkenot Israel* [1875] and they should live together in love, peace and friendship with our Ashkenazi brethren."<sup>167</sup>

Despite the establishment of these new suburbs, housing was a problem in Jerusalem during most of this period. The consistent rise in Jewish immigration gave rise to an acute housing shortage, and prices of rentals rose to unprecedented levels. The rabbis of both communities occasionally joined forces in an effort to deal with this problem and re-enacted the ancient *Takkanat Hazakot*<sup>168</sup> which is discussed more fully in Chapter 6. This *takkanah* was

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166 Compare A.E. Finn, *Reminiscences of Mrs. Finn*, (London, 1929) p. 55 where she stated that Sephardim and Ashkenazim never intermarried. Possibly the marriages were rare enough for her not to have taken note of these when they took place. See Gat, p. 32.

167 *Yehudah vi-Yrushalayim*, Kressel edition, p. 56.

168 *Sefer ha-Takkanot ve-ha-Haskamot ve-Minhagim ha-Nohagim Poh Ir ha-Kodesh Yerushalayim*, (Jerusalem, 1883), p. 43b.

aimed at freezing rentals and creating a status of protected tenancies. The re-enactment of this *takkanah* was intended primarily to protect newly-arrived Ashkenazim from Sephardi landlords. That the *takkanah* attempted to regulate Ashkenazi-Sephardi relations, not necessarily intra-Sephardi affairs, is evident from the statement:

"All this has been agreed between the Sephardim and the Ashkenazim and the intention is that when there is an Ashkenazi tenant dwelling in a Sephardi courtyard or vice versa, then they shall adjudicate and behave according to the above-mentioned *takkanah*. . . - but we the Sephardim, we have agreed. . . in a different manner. . . and we have already announced this to the honourable Ashkenazim, . . . signed Abraham Ashkenazi *et alia*."<sup>169</sup>

Each community graciously allowed the other to pray in its synagogues. Indeed, the Ashkenazi community in Jerusalem depended upon this hospitality before 1837; until that date, there was no Ashkenazi synagogue in Jerusalem. Rabbi Menahem Mendel of Shklov, who was in the vanguard of the new Ashkenazi community in Jerusalem, described the difficulties, legal and otherwise, in establishing an organized prayer house for the Ashkenazim. In 1806, he wrote that

"for now I have established my residence in Jerusalem the Holy City. .

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<sup>169</sup> *Takkanat ha-Hazakot* signed by Rabbi Samuel Salant, among others for the Ashkenazim, and Rabbi Abraham Ashkenazi, the *Rishon le-Zion*, and others. Jerusalem, Israel Beck Press, 1859, p. 1.

. and we pray there [in the yeshivah of Rabbi Hayyim Ben Atar] all the week except Shabbat. And this is because according to the order of the [government], one cannot establish a Synagogue without a government licence."<sup>170</sup>

Rabbi Eliezer Bergman described joint prayers between Ashkenazim and Sephardim in which the *Rishon le-Zion*, Rabbi Yonah Moses Navon,<sup>171</sup> participated.

"They are decent and kosher Jews, and with them we pray together in public and now also with the rabbi of the *kolel* above-mentioned."<sup>172</sup>

There was no competition between the two *edot* in the field of synagogue building. When the first Ashkenazi synagogue, *Menahem Zion*, was consecrated, the leaders of the Sephardi community sent an open letter to Ashkenazi Jews in the Diaspora, urging them to offer financial support to the synagogue.

"Whereas our brethren, the sons of our Covenant, the Ashkenazim who dwell here together in harmony and peace with us, God be with them. . . have recently. . . completed the building of a great, splendid. . . *bet ha-midrash* called. . . "*Menahem Zion*". . . bring forth from among you silver and gold for the embellishment of this holy place."<sup>173</sup>

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170 See Luncz, *Yerushalayim*, volume 4, (Jerusalem, 1872), letters, pp. 114-115.

171 Appointed *Rishon le-Zion* in 1833; died 1841.

172 Rabbi Eliezer Bergman, *Yiseu Harim Shalom*, p. 122.

173 Full text in Luncz, *Jerusalem*, volume 9, p. 384.

Chapter X: Sephardim and Ashkenazim - 444

The signatories included members of the Great Sephardi *Bet Din*: Rabbi Yonah Moses Navon; Rabbi Hayyim Avraham Gagin, the *Hakham Bashi*; and Rabbi Isaac Covo, who was to become the second *Hakham Bashi*.

## CONCLUSIONS

The Jews of *Erez Israel* lived a harsh, meagre life throughout much of the nineteenth century. Living conditions were primitive, the economy was rudimentary, and there were constant external dangers. During the struggle with these difficult circumstances, social and ideological revolutions swept the Jewish community.

The philosophy of messianic activism, whose rise began with the *aliyah* of the *Perushim* in the early years of the century, exerted a profound and far-reaching influence on Jewish ideological and political thought. Although the first flowering of messianic activism faded after 1840, it was to be revived in the second half of the nineteenth century, notably in works such as those of Rabbi Akiva Joseph Schlesinger.

The period saw major demographic change within the Jewish community. The number of Jews living in *Erez Israel* increased greatly. Perhaps the most far-reaching change was the rise of the Ashkenazi community, almost nonexistent at the beginning of the century, to a position of dominance so overwhelming that many Sephardim in modern Israel are unaware that their predecessors were ever in ascendancy.

The *halukkah* charity system, the dominant source of income for most Jews during the nineteenth century, began to be eclipsed in the 1880's and 1890's by a growing Jewish



commercial sector. A salient example is the growth of the *etrog* trade.

Throughout the century a fierce debate raged over the propriety of modern educational systems. This debate and the warnings of the traditionalists seem to foreshadow the rift between religious and secular Jewry that was to develop later and which would become a central problem for modern Jewry.

The issues raised in this thesis are not entirely recondite. The spiritual inheritors of activist messianism are to be found in such political movements as *gush emunim*. Their passivist opponents still renounce worldly affairs and devote their lives to the study of the Torah and await the coming of the Messiah. The missionaries are still active, although they are considered less threatening. Economic self-sufficiency has yet to be achieved. Relations between Jews and gentiles have undergone extreme changes as a result of political events outside the scope of this thesis. Sephardi-Ashkenazi conflict has been a central feature of Israeli politics for many years. Indeed, a modern-day observer would find that most of the issues which confronted the Jews of *Erez Israel* during the nineteenth century are still relevant today.

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**APPENDICES**



Iqeret ha-Kolel

A FACSIMILE OF THE EPISTLE SIGNED BY RABBI ISRAEL OF SHKLOV AND MEMBERS OF THE PERUSHI KOLEL IN 1810, J.N.U L. MS. L.70

אגרת הבולל

בעזרת השם

פה עה ק צפת תו בב"א

מרבנים הגדולים המובהקים ההפורסמים מדגן ורבנן חבורתא קרנשתא די בארעא דישראל

לפרט צ'פת לפק

אמרה [פינה חנה ובה] אם הננים שמה נקדשה [אחת בקינון בניה  
לחכה בחונה] צ'רופה אמרה באהבה יקשיבו ויקננו כל ראשי ועמודי הגולל

המחורות הגדולים והגאונים [למה רבא ופרישא מארץ] צ'ה שבגות סוכן מעינים

ך יבו באחכס ריבו חכמים ונבונים [אליכם אישים אקרא] וקולו אל בני הזקרים מפנינים

לכל דבר שבקדושה תזמנים [ולהגאים הנזכרים] ואחרכלון אשר בכל עיר חכמים [לרחם

על הארץ ועל הצרות המה תתקנים] ולכל התחייבים והמתונים נגידים וקאונים ולכל

עמינו בני ישראל המוגים המונים [האלאים מלות כרחמים] כולם יחברו מאח שותע

החגונים [צ'יון במשפט תפדה ושניה בצדקה] אשר הם נותים [בע לח צדוק נהיים לקדושים

אשר בארץ שמונים] [תחיות שותים בארץ החיים תחלה נכונים] ומלה ה' דתעה מעל

כל פנים [או יתמלא המרבה בשני] החורבנים [בבית השלישי אשר גדול יהיה] לבדו חן

הראשונים [ואו נדחי ישראל יקבץ] מארבע פינים [ויבא את אליהם] לנצח תקשיבו בשתחות

ונגידים ורבנים [אשר יבא עליהם] [אשר יבא עליהם] [אשר יבא עליהם] [אשר יבא עליהם]

להשתחנת לפניו מדי חודש בחדשו ומדי שנה בשנתו [לזמן זמנים] מכל הארץ אשר

עמדה [לשיות בכל העולם יחד] יבואו גדולים וקטנים [ועל העניים יהיו עשונים] לירושלים

עיר הקדש אשר תהיה בכל הארץ נבנית בבנינים [ישמחו השמים העליונים ויגילו יושבי

הארץ] החתונים [ליום ההוא קץ ימין היומנים] ביום ההוא יהיה ה' אחד ושמו אחד

בביתם ונקראים כמלפנים [אמן כן יהי רצון]

בזה [אשר] הערים הגדולים והקטנים [דגלו חסד ואמונה] יום בשורה הוא

יום גילה [לישרים נאווה חסלה] הלא המה ראשו ונכדו [אנולם] כל עיר

בנונה

אשר יבא עליהם  
אשר יבא עליהם

אשר יבא עליהם  
אשר יבא עליהם



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**אגרות והולל מאה'ק צפת טוב'ב**

נטיה על חלב . ראשיה וחכמה יחד כזולה . עתה נאלו לדבר עמכם חלה נמלה . ולנאר  
לפניכם נקשה הארץ החולה . ואמרו בן נקשתנו הכפולה . הארץ משמרת . הארץ מחשורת .  
ארץ מה לשון אומרת . זכרתי ותיים היותי ממלכת נצרת . ניר הסם עטרה הפלחה . גם  
עתה ניל קום דבר נחסרת . ניו החורה מחצרת . ניו הידלה מתנצרת . ניו הנשמה  
חשיחרת . מטוונותיה החקוקים בעט כדול ועופרת . ומדוע עתה אני שחרחרת . כזויה  
מכבודי . ושמה מיושני . ואני שכולה ונלמוד . בלא אני ארץ חמדה . חמדת העליונים  
והחמנונים . טובה בשני עולמים המזומנים . מדוע אני משופלת לכל דבר שנקדשה להיות  
אחרון באחרונים ולא ראשון בראשונים .

**ענה** כדור המקום המרחם על הארץ . ופקד אותי בקינוץ בניים . אשר לכל דבר  
שנקדשה מזומנים . הכרו נפסס עזרי וני הם חונים המה המחאסמים להרים  
קרנה של תורה . ליהודים היתה אורה נביאם לעבדה ולשמרה . לעבדם בעבודת נבזה  
ולשמרה כחשמרת בתורה . לחנר ד'א של הלכה ברורה . בארבע אמה של ארץ הקדושה  
וטורה . כעת המה יותר מארבעים בעלי בתים . ולהון טפלא ונשיא . האנשים אנשי חול .  
קילס לאוריתא . פעלי תדירא באוריתא . בעלי חורה . בעלי יראה . בעלי מדות עובקים  
בחורה . אנע'א קרא אנע'א סברא .

**במתיבתא** דילן ונקרא . שס רב הנולה מרן הגאון אמיתי רבינו **אלהרן** החמדי  
נ'ע מוילנא . לומדים בחנורא חרל . במרא בעינא . ופלם לאל  
הבוקי שמעתתא אלניא דהלכתא . הלכות ש'ע עם נילא רי מרן הנאן נ'ע מנדרים בשמלה  
ציומי דכלה . מתעטפין בעלית ותפילין כול יומא אשרי עין ראחה כל אלה . בחורה חרדית  
לארסניא שלה . דמתנבחה רבחה וטנחה כרין . לא הוגא בארעא . דישאל מיומין כניאוי  
אכל וטען בקרבנו און . ואנחנו לא גרע מה נעשה . מהאין דוחקא דהוי בכלה . דוחקא דניצורא .

~~בדמיהא שפא טובא דהערתי נכחיה~~  
נבחה כעד לבית הועד לתורה וחפלה . אחת מה נהדר וסיבת הארץ העיבה . אחת מה  
נפלא חונם ארנינו . אחת מה נא ה קודש . ויו הדר ישיבה והליכה . שנתה וקיתתה  
שלחה ושלמותה . גם בחורבנה און דמיונה . כשממותה און כמותה . בשלוותה און כדווקה  
עובי פרה ואנניה . טוב תבואתה ופירותיה וירקותיה . טוב זכות א יריה . טוב צדקה  
חור ליה . טוב ריבוי מצותיה . ע ב טהרת קדושתיה . טוב הליכות ד' אמותיה . מלכת אנשי .

ומצואם לחייה ב' ב דרכיה . ואף במחיס חפסי מעול שר המוח כגבולותיה . כי אם לאחד  
מחלכו מעלה לוקח נשח תיה . חכפרת על נוחי נפס כמנוחותיה . ארץ שמותיה חניס הסילב  
בחייתיה . בחירה שיבה ברנח אנחיה . התורה ריחמה ברב רוחותיה . ומי יוכל לאחד  
גודל פאר המלכה בכל חלקיה . אמנם לית אגריין מחנ'אן ברחבתיה . וליה פרוטיין מתחזיין  
בחוותיה . וליה מתפרנסין נהרובין . ברנח ד' אהוב שבהובין . ריחוק הפרנסה כמו בחוץ

לארץ עדיין קשה חמנועת הלסון ואנחנו נרים בארץ . דרכי ציון אצלנו : דרפיה שאתה  
נחיצותיה עוה ! גם האנשים מתחנכח'א דילן : לל תנחמם בשגח השלמות . כל חקות' טהרת'  
בעבודה ותכלית' : כל תוחלתם שקידת בתורה ויגיעתם . והיה להם הלולה למשמר משמרת  
התורה . והיום למלאכה . תלאתם שמים . נזר ונותנלי עלותים . ואם היו מחזקיין החמכין בולנו  
ביוני שמהין . אמנם בא השען ויגע נכף כו' אלו חמכין דאוריתתא . אי לזאת הארץ



אגרת דבולר מאת ד"ר צפנת טוב ב

הקדושה ונגו דמקא רבא . וענוותא דילה . אהדרו אפתחא מהדרו . ותחלת ננדוליס אשר  
 בידם התועלה . ואנחנו באנו למלאות דברים . ולעורר לבבות הטובות . של ראשי הדורות .  
 אלפנינו החשובים . בתורם ובתות . אחנו בצרינו . ידידי בפנינו . אנן בחנין אברין  
 ואונדין . חנו מירא לניבא . חנו עיבו רכסין . חנו דמעין דעיינו . לן יאוח לחביו על  
 חורבנא דארעא קדישא . על חורבנא דניח מקדשא . על חורבנא דירושלים קרתא קדישא .  
 צבא דברינו אלה לקדמיון . ואחרו נא רחמיב . על צר אמרון . ועל נפשות אחיו .  
 ותחוונה עיניכם באלו . הארץ העירה חכמה . מתעוררת ומדברת . דמעטה על לחיה נדרת .  
 באיחא עניא דקאי אפתחא דקרא . כחטרוניחא דברנא . דתחנעית לפרנסא אוכלתיה .  
 מחתת . מנקשא . שאלחה ונקשחה . כופלה ושולשת . וביא עטופה באבלה . כרד נא חנה .  
 חפלה חו חנה . עניה סוערה . כוספלה חסרה . שופכת תחון צעד בניה . אשר מסרו נפסם  
 עבודה . וכו עניה זו לשא תמרה . וכו היא תיגה כדאי . למערך בניה . רבני קרתא . הלח  
 היא שרתי במדינות . שנקיה אין למגות . וכו מכל רבני רבנות טירדות המקיפים לכל מארי  
 דעסקא . מארי דכחורחא . קשה בעיניהם לית חלקופנאי לרחם על העניה הלזו אכסי . של  
 תורה . הלח היא אמכם שרש בשתחכם . וכו חבל הלמי אלכיס אשר הולבים לתיק בלי הכרח  
 צרכים . קשה בעיניכם לאשווי האי . ארעא קדישא באחת . ומוחרי פרנסתיו . ההולכים  
 על תפארת גופיכון . ולמא לא העלו חורבנא ירושלים על ראש שמהיכון . הלח תוכר  
 הלח חביו השנועה תומים . קדמונים אם אשכח . קבוליס חשך וכו . מדוע היא נשקת  
 כמת חלב ולא תוכלת . שכתה הארץ הלכה בורס חו אריכות הגלות שכתה יומין .  
 בעלחיס יחד התקרה . בשביל עגלות שחיל . הכטו ומשכח אהבה לון וחובת ירושלים .  
 ההשפעה נוטעה . ונתן רוח להשפחה לבנות שולט . וכעשה שולאו של הקדש חך . וכשכלות  
 ידים . בשביל שתפילין . שתחת רגלים ימים על בלח העלוינות . ידלוף הבית . הבית חרוב  
 וחיו נכה . יום ליום אנה מחכים . ונתן רוח . ונתן רוח . כנרמים בחדריות  
 בותים . וקשתחם בצער גלות . השכונות תחת . ונתן רוח . ונתן רוח . לאכסא  
 שכינתא . מניח אמורא . ולהתחוק בקורה ובראש יגרות . ונתן רוח דמהפך במרה  
 בני אדם רזין אשר פרנסחן ואינם מניעין בארץ . שותף . כי בסטבן שלחה אמרון  
 וארעכון נחובה בשבילבון ועד מחו לא תרוחם ירושלים . ונתן רוח . ונתן רוח . בלילת יופי על  
 ארץ . הביע עק עפר . ובני נשא נייחין . כל נבר אחר בצער . ובן אדם אחר פרנסחו . ואין  
 איש שם על לב . על יתן המלך כי הושב אחר . תפני חויב . ובהיכלו שחור . ויש . ונתן רוח  
 לחיטב . ואין שחור שלם ואין הכסף שלם . והעיר הקודש אשר היחב משגש לכל הארץ . נתסרם  
 בודי נברים . נחלתינו בהפכה לזרים . ומקום המקדש שלא היו נכנסים רק שהורים בטבלה .  
 עתה נגים מרקדים בעגלה . לניאות לסדר הספלה בדמעין דעניא דעלימין וישיון . על  
 שחורא דאבנין קדישין . תמידין וקטידין בנסאן . דמתחויין מאחרי קדש קדישין . את  
 דהו מתמין ביה שירין ורחשין . עתה כאשת בעורגס כי תאמרון . ואנן צרכים למקר  
 בגדין כעל אבא ואימא בעדנא דמלקין נשחין . קרעו לבנכם ואל בניכם על צר אמר  
 שרש השרשים . לקול

*[Marginal notes in Hebrew script, written vertically along the left edge of the page.]*

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*Preache Gottes* *Benedictio*  
*Israel*  
**אגרת הבורל מעד'ק צפת תו בכ**

**דקוק** החולה קול מחנה ה' העטופים בער : בלא לחמא . בלא מימא : בלא פריסה :  
 בלא מדרשא . בלא ספריא . ומתיבחה דחבריא . גרסין מבו דהקיוא . חמרי  
 וענינו להאי בני יקרא ופרישא . הרב הגדול ההכיר האמיתי מוהרר **ישראל**  
**דק'ק שקראו** נמהורר **שמואל** כנד האיש הירא . אלקים המפורסים  
 מוהרר **עזריאל** ואללה ה' שנסע לארץ הקדושה . בימים קדמונים  
 אשר בא בו השנה . לפתחור ולדור בארץ מסנה : אחרי ברבה יגיעות והרפתקאר  
 דערו עלי' עד שזכה להוציא ממחרו . הוא וכל בני ציחו . להחמתם נחלת ה' וגבול חפצרתו .  
 באבנה ונחובה ונשיקה . לעפר אדמתו : בהלל ובודות על כל פסיעותו . נעטועים  
 רבים ככן קטן אל חיק אמו . אליו עוררנו לאחר עליך הדבר . לעשות בשביל התורה  
 הקדושה . ובשביל פיקוח נפשות יקרות ובשביל כבוד הארץ הקדושה . ולהיות נודד צימים  
 וארצות אחרות . עד ביאר אל ארץ נוסבת : אשר אותנו הם מקרבת . ועורר נעטר נת  
 רבים . והרס כשופר קולך לאבונים : ולפתוח לבות המחנדים . באחרים רבים ומנינים .  
 לחונותיו כיום הזה על התורה ועל העבודה . ולא נהיה ח' אחר שנים . ולהקיסלנו מקד  
 מעט . ויתחוק ישראל וישב לנו : לא אוכל לעבור על דברי רבותינו ולא אוכל להחמ' על  
 צער עמלי חרתינו האני בני לילך מארצנו . לברוס קרן חפצרת ארצנו הוא הנבר נעשת  
 שנוח דרמנא . ובירו אגרו וואגדין דנפקין מקרמא . ויתר מהמה בירו ערוכה וטענה .  
 וב' דבאת נאמנה . ובירו למנוח בנאים ולחקן כל דבר הנוגע לחיקן ארץ הקדושה לפי האות  
 טניו : ואחו עמו הרב המופלג הישועסקין במצות לחיל הטליון מוהרר **יוסף** נר' . על צים  
 השנים מן הא' ליחד לב אחינו ב'י כולם כאחד . ואחס אחינו ב'י ראשי גולה אריאל .  
 המסובלים בחורת יקתיאל : הרחמינו יחמלא רחמים : גומלי חסדים יחמלא חסדים  
 בנינו שנים יחמלא יראה ועושה . תלפנו **אמת ישראל** . דהויה בנייתה נקמתה  
 חכה ש' רבים הארץ . תהוה ש' ר' צנירתה

**עתי** רעיהי יפתי ה' עת הזמיר וקול התור נשמע בארצנו קלא דאורייתא מה צני  
 ובכן חנו כבוד לה' אלהיכם איש איש כפי . מתת ידכם . במקום אשר בבר נעשה  
 מעמד ומצב במדינתכם . לרחם עלי ארץ תפארתכם . כפי אוח נפאכם . הוסיפו אומץ  
 בנדבתכם . כי אם נחרבו לומדיה מהראוי שיתרבו מחויקי עמלי תורתכם : ובמקום אשר  
 עדין לא נחוסד יסוד נחינתכם . הזדרו ראשו קהלתכם : לילך על פתחי המחנדים נעם  
 נאחמכם . וכל אחד ואחד יבא על פינקס הנדבה בהשגת ידכם . לחת בכל שבו ושצו  
 משנותיכם . דבר ראוי על חיווק ישוב חורבן ארצכם . ועל זה יתמנה שמש גובה כדעתכם :  
 ויאסוף כל הנדבות להנבאי המחוכה על זה בקהילתכם : והן יבקשו נדבה על העבר . להא  
 קיומו עניים באה' ועיניהם תולים למעט רגין רגי כסף להחיות נפש . ובבר השחר  
 בחובות כמה תארו דתמים על חזונתם . וכן יעמדו דקה . בימים נוראים נכתי כנסיו ונבנת  
 ובכל החנינים ועל בית עליון . וכן : בכל שמחה יעלו ירואלים על ראש שמחתכם . לעשיח  
 דקה על ארץ הקדושה ונזה ודאי יקל לכם משא ומ' . זאת ועוד אחרת בשביל בניו  
**בי מדרשא** שאין לנו כעת רק הוכרחנו למיגר ביתא דרבני בוקר גדול ודומק רב  
 ומנועת בה' ד' ר' ביטול חורה . ומה ון סחובה ומה ון שחקה . על  
 היו נסמך בדברים האלה דעלמא קיים עליהו . אם לא על ראשו עם קודש וגרלגי ישראל  
 חנהוני

*Handwritten marginal notes in Hebrew script, including the number 746.*



**אגרת הברך בטהור צפת ותוב**

מכונני הקהלות : חנון, החמין דאורויחא : המרחקים על הארץ המרחקים על הנריות  
היושבים בטהור ותה נשחק ולא נעירך ברעם וברעם על הרבנה לארעה קדשה בדרהוקי  
כל סוף על חלה בניה - ועיר האלהים חספות עד שכל חמה : כל עיר מעריח ל בהם  
כוח נח' בניה : כה וסיף ה' עליכם : ועיר הקודש לאש : כל תרשא : כל ספדיה  
כל ספדיה דמזונה : כל תלזשא : אי הוירעו : אי ויחוי אדירל ח' לאי דוחק רהוי  
בכלה בלן דחלכלא מעינה דאורייתא : הוי נקטי כלבלי גלמייהו : זאני פהיטי לחתוכי  
ידוהו ובוטלי האנה בהם יוחר מבטוחם : בנשוח לבית לחוק ובהאסיף : בנשיות נכנח  
על יני מדרשא וספדיה : הכל כדאי : המה המלכות : ברתן הוא הארץ הקדשה  
להטות בכבוד עולם : כנ' תנוח פיהו נפחת חוקה גדול : זאני - שחור  
נגידים יביר דו מלכות ומלכו : בישרים יחטורו : אל תמוני : שחמורת  
שחורה אנו וכלה הכל הארץ ויחד שחמורת וכלוכים מוקנים : חנון : בניה : מקדשים  
**תבוינו** הקדשים הקדושים צחי נחם חנון חנונתא רבא לארעה קדשה : חנון  
דכו חנונדרי בעפיה : חנון דהוי נשקי אנויה : חנון דהוי חנון  
חכילתיה : ולא יהיה כבוד אחרונים עדיפי חראש ניש : כן נאה וכן יאה לחנון ורבין  
לחשי עס קודש אחר ככל עור ועור : להטות בכבוד : ובעתם ולהיות לעור נלספד לפד  
הן בנור הן בחמון : אס ונטרכו עור ועור : אס ונטרכו קירוב יקרנס : וליחן לסי  
חדר חנון : ולידם חמורו כל אשר ועשו ברכה על אה' ק' ועל בית המדרש  
ולא יחסרו : כי אס לשד'ר סלנו הנא בחזית ידנו

**ג** ויהיו ידוע לכל תאן דכעו לחידע : כי החמנת ששכחו מהקניס על קיום חמנת  
ספדיה : כחן קניס קהלות : עס חנון : החמנת לקדש : באופן שהפן כה  
הקה להקניה : עס כל אחריו וכן נראה לקנות עור קרקעות שידוון לפי העת ולפי המקום  
ולפי הזמן : ולכן חוי שרונה להסת לו חלק ונחלה בלא ק' וינוחיה התלוות בה : יח  
נדחו לשד'ר על קיום חמנת החלויס בארץ : כפי הפינה סביר : על דמתי אחר  
לחור סככודס ובעתם : יזרזו בשאר דברים אל' אחר דכעו : מסיחם וביעתם לפעולות  
עבור עמי אה ק' גומדי חורק : ועבור כנון כ' מדרשא בלא ק' נספדיה : לא יחשו מפני  
להפיל קדם חרו דכחיה בעד' הגנאים נפוטוח : ובעד כל החמנדנים בעס : וכי  
דרבוי להפיל בעת הלכחינו על קנרו : הציקים בהקפת עור קדשנו : מעת הנוח  
**ישעכן באר'י והחנא רפ'י** ועוד הרבה אלפים גדוקים האוכלים פה  
וסכיכות סעיד : על קבר סר : אה' ישראל בני יחן  
**ישעכן בן עזיאל** והחנא ר' יהודא בר אלעאי  
**דשב'י** אנו **ד' ארעור ורלל** סקו ושמע'י וסא  
גדוקים קדושים : וכן אנו יוהים בכל ימיה חנון חנון : לעור חמנדנים : ספדיה  
חובב'ל להפיל על קבר **ד' מאד בעה נוקיע'י** : ושד'י תאום ואמוראים  
וגאנו ארץ : וכן



אגרת הכולה מעשה'ק צפת תוב'ב

וכן הור' חכמי חסידות דנו ב'הושלים' עיר הקדושה אלז' בתל מערב' וע'ק זכריה הנביא ועוניהו המלך והתפללו בעד כל יתחזקו סותנו ובעד כל יושבי גלוי'הו' שיקצ' נדחו ישראל מארץ בנפוח סרץ לארצנו ויבא גואל' עמנו ויבנה בית מקדשנו ותפארתנו בתורה שנתנו לכי' ר' דברי המבקשים והמעטירים לכבוד האה'ק הבאים עמנו ויס' עש'קי' אדר שני פס' עה'ק צפת תובנ'א' שנת צ'פ'ת לפ'ק

ונאום חיים כהנור טובי' כ'ן מ'ץ נאום יהי'שע העשיל בהרצ'ת חוה' מאיר זעס'מ ספר חממה מק'ק ווילנא יע'א

ונאום סעדי' נאח'ו מוה' נתן נטע ז'ל' לה'ס מוילנא ונאום הילר' מקאוונע מ'ת דק'ק ראנקי ונאום ה'ס' הילל ז'ס' ונאום מענדל' בהרצ' מוהרר' ברוד' בענדט' ז'ל'לה'ה' ונאום יצחק אייזיק מ'ת דק'ק ווראנוועה' ונאום צבי הירש בהרצ' המאה'ב' מ' ונאום וואלף עריווס מוילנא ונאום יוסף בל'ס מסו' קלונימוס ז'ל' מסלוצק

ונאום הילר' מקאוונע מ'ת דק'ק ראנקי ונאום ה'ס' הילל ז'ס' ונאום מענדל' בהרצ' מוהרר' ברוד' בענדט' ז'ל'לה'ה' ונאום יצחק אייזיק מ'ת דק'ק ווראנוועה' ונאום צבי הירש בהרצ' המאה'ב' מ' ונאום וואלף עריווס מוילנא ונאום יוסף בל'ס מסו' קלונימוס ז'ל' מסלוצק

*[Handwritten text in a cursive script, likely a signature or additional notes, covering the bottom portion of the page.]*







### אגדת מעד'ק צפת בן'ר חיים ס'ק מוילנא

וזוהי כל המפורסם ויהי' תנחם מענדיל'ני' אומר השיער ונ' ה' לין מדרש בלא חידוש . וזכינו  
 לטעום טעם כפיקר כמה שאלו'ל אגוד' ד'ר'ני' ד' . ונ' ה' באה'ק חסידות יתרה לתורה חנ'ל'  
 היום והלילה שונים ומרווחים לקניית בתורה והאמת מתחדר יותר . ואני שמח הרבה בקביעו'  
 השיעור שלומ'ים בנימי . עכ'פ' ואח' ידוע בל' בחכמה בגל' הבס'ף כידוע' לתח' לבס' למען' יחזיקו  
 כו' . ואני משער הרבה על העניינים והאביוט' יראים ושלמים מחמיקים גדולים בלומדים  
 מחוך הדחק ואין לבס' מזון ומחיה . ובזור' איראו מנ'כ' לתחמ'ן כום ולבחזיק בתורה הם  
 לומדים בנ'ה'ק : כי תל'ד' נקל לבחזיק וסיבה בכאן חנ'ל' . ויחלמנו לשלוח כל מה  
 שאספ' ע'י' שלוחם מהתרויטה הנשלחים ע'י' מעב'ת' והחס'ם להבא לבחזיק הישיבה ונפשות  
 יקר'ת' . ונפרע שמן השמים ב' שכל בחוך הנאים הרב הגדול שהמיד' האמיתי מוה' ישראל מ'ת'  
 חק'ק שקלאו שר' ה מוכ' עם אביו ונ'כ' ב' כ' יושב בדוחק גדול הרבה שכל מה שיהי' לו כלה על  
 הרוא' בספי' ה'היה ביוקד' גדול . והוא לא ה' נוסע לח'ל' בשום אופן לשום מחו' . אמנם ר'אני'  
 שההכרח שיהיה הוא שד'ך ליוסד יסודות על מחיבת' דילן . ואף שקשה לו הרבה שיסע משה'ק'  
 בשב' ק'אשנה . זיעזוב ענין לומוד שיעור' דילוג'ת' וחידושי' המתקדשים ת'ת' בהכרח לא יבונה  
 ואמרנו לו על'ך הדבר מועל ומקשה' היה שלא השיב פנינו ועזב בניו הגדולים והקטנים להיות  
 נודד ומטולטל בימים ובחדינות אחרות והשליך נפשו ממנו כשגיל' אהב'ת' אה'ק' ופיקו' י' וקרות  
 וזכות התורה והא'ק' יעמוד לו ואחס' . תעוררו לו בכל אשר יטרד לכחוז' לכ' מ' שיעורו לו הן  
 בנוף ובמחון ונחדר מיוחד . ולקרבהו בכל מיני קירוב להרים קרן החירה בנ'ה'ק . ולחכמים  
 כמותם יספוק הקיצור וא'ל' להאריך כי משמם יודרו לעורר רחמי אח'י' . על עני' הלוג'  
 אדם יא' של חורה : ולהרים הנדבית בכ' מ' אל' כל מי שיש לו ורונה להיות חלקו אחו' בען  
 החיים ובנ'ה' ח' צפי' שכתב' ב'אנ' הכולל בארובה . ובכל האנ' שעליהם חתימתו ומחודע' שמי  
 שיוכל להחפרים בריוה בכאן מקרן מעותיו שנה'ל' . אזי יוכל לישב בכאן בשורה והשקט ולקנות  
 שני עולמות ובאופן שיכל' את'ת'ת'ת' . בני' א'ל' לבס'ן א'אן משרת' . כי מי שרונה בכאן  
 כפנות עתמו לתורה . עב'רה מסובל יותר בכאן אה'ק' תנח'ל' מחמת קדושה . גם זאת להודיע  
 שלא יניחו לבוא אנשים בלא נשים לכאן מפני רב חרעומת קחמי הספרדים והדין עמהם . וכן  
 מי שלא יביא שהדוח' מהימנ'ת' מכבדו מפורסמים שכן נ'פ' לאשתו ברזונה' אזי לא יהי' לו  
 קיום בכאן ולא יוכל ליקח אשה כאן . וצריך להודיע שמי שיסע יביא אמו ספרים שאינם  
 חז'יים בכאן . וכן בהת'ך צריך לנו הרבה ומניעה בהת'ך גורם ביטול חורה . ועיקר' לבחזיק  
 שיהי' בהת'ך עם תררי המורף שיהי' ביה מנום לעמלו' . תורה ומחמדיים ביה ג'ב'ה' הספרדים  
 מחקרבים הרבה אחתו הגדולה הולכים אלנו לקבל פנים ש'ת' בחידושים וכן מחמדי' אליהם  
 בענייני' נדבות ששלחו על קיום מצות החלום בארץ . ככר קימו קרקעות נדעת יודד נפשינו  
 הגלגל' אח'י' החסיד המפורסם מוה' חיים נ' תול'אזין באופן' שהמורב' בקה' להקניה פה כל  
 שותפיו המחלדיים נעם . ועוד נראה לקניית קרקעות שיוזמנו לפי העת ולפי המקום ולפי  
 הזמן . דבריו יודים ואוהבם באמת . ובלבד שלם הבא מה' חומ'פני' טורח הכתיבה כידוע להם  
 לא מתחתי בכל האנ' ב'א'ד' תיבות ופ'ה' חמתי' בשלימות וכל דבריו האנ' הואת' מפי יקרא'  
 אל הכופר והוא כחז' ונחמ'ת' נח'י' עמ'י' .

נאום חיים' במהורר טוב'יה' כ'ז' מ'ז' מק'ק ווילנא יע'א

(Extensive handwritten notes in Hebrew script, written in a cursive style, surrounding the main printed text. The notes appear to be commentary or additional thoughts related to the main text.)

NEGOTIATIONS OVER THE THREE CONVERTS

No. 31

W. T. YOUNG to EARL OF ABERDEEN

F.O.78/501 (No. 7)

Jerusalem, 11th October, 1842

I have the honor to lay before Your Lordship a statement of a difficulty which has arisen here in consequence of Three Foreign Jews - having professed their belief in Christianity -

In calling your Lordship's attention to the circumstances of the Case, and to the Correspondence which has passed between Bishop Alexander and myself in reference to this subject, I would humbly beg leave to offer some observations of my own in connection with this event, as similar cases may again be expected to occur, where there is a Society settled in Jerusalem for the purpose of calling the attention of the Jews to the subject of Christianity.

So soon as I received official intimation from the Rabbi Isaiah Bordaki, who is placed over the Russian and Austrian Jews in Palestine by these respective Governments - that 3 of his subjects had taken refuge from his Jurisdiction in the house of one of the Missionaries, and that he requested my assistance to enable him to bring the parties before him - I immediately addressed a note to Bishop Alexander acquainting him of the circumstance, and hoping he would take such steps as he might deem requisite to avoid a compromise of Her Majesty's Government with Foreign Powers.

Your Lordship will observe by the Bishop's reply that he anticipated no difficulty - in the meantime the three Jews continued to be countenanced in their refusal to appear before their Consul.

I then considered it my duty to address a second note to the Bishop hoping to impress upon him that his confidence was not well founded if the parties in question continued to be withheld by his interference from appearing before the tribunal of their own civil Superior.

By the Bishop's reply to my second note, I began to apprehend serious difficulty might ensue. The Rabbi was pressing me for his subjects, and had appealed to M. Marabuti the Russian Vice Consul for his assistance, it seems they feared the three Jews would be sent to Malta, or to some place beyond their Jurisdiction, and I believe not without some cause - parties were therefore placed at the City Gates to prevent their passing out - I feared that the full consequences of the case were not apprehended by the Bishop; I therefore addressed a third note to him hoping to convince him of the responsibility of the act if he



persisted in encouraging the withdrawal of Foreign Subjects from the Jurisdiction of their own Consular Authority - which in conformity to my General, as well as special Instructions from Your Lordship I thought I was justified in stating would never be approved of by Her Majesty's Government.

This third note brought me a reply requesting an interview, during which I continued to urge respectfully but firmly the impolicy of the Bishop's position, entreating him to consider the case in all the points of view in which I had endeavoured to set it before him - I read to him the X Paragraph of the General Instructions, he suggested (*sic*) every expedient to justify his protection of these parties by my interference, and he stated in his argument that he had been led to understand from all parties at home, that he was to have my assistance and co-operation in aid of his attempts at conversion amongst the Jews, - at this I could not avoid expressing my surprise, as I assured the Bishop my Instructions from Your Lordship compelled me to adopt a line of conduct quite the reverse - And I considered it my duty moreover to state to the Bishop, that if the Russian Consul were to proceed to take these persons by the due process of the Law of the Country (as the Dragoman of Rabbi Isaiah had intimated to me would be done) that I should be compelled to remain passive - as I could not interfere in their behalf, and the responsibility of the consequence ensuing would rest with himself and those united with him.

I had already received a visit from M. Marabuti the Russian Vice Consul - complaining bitterly of the proceeding - he assured me he had detained his messenger to Beirout with an account of the affair, in hopes that matters would yet be accommodated through my intervention - otherwise it would go on to Constantinople and thence to St. Petersburg - I thanked him for the Courtesy he had shewn me, and I assured him that no effort should be wanting on my part to bring the matter to an amicable adjustment.

When the Bishop left me I had every hope that matters were in a fair way of being arranged to the satisfaction of the Russian Vice Consul, but I presently received another note from the Bishop which contained an assurance which he wished me to convey to the Russian Vice Consul, that there had not been any intention to withhold his subjects from his jurisdiction, but before he could consent to deliver them up he required a species of stipulation to be made. - In my reply I assured the Bishop that I would convey his message to the Russian Consul but I deprecated any thing like a provisional submission to what I conceived simple justice and sound policy required - I therefore proposed that mutual Courtesy should be adopted on both sides, in the hopes of bringing this delicate affair to a satisfactory termination, conceiving that to manifest a want of confidence in the

Russian Consul as to his treatment of his own Subjects, was not the proper way to conciliate, or render satisfaction to an agrieved [sic] functionary -

Shortly after I called on the Russian Vice Consul to assure him that I had every hope that on the following morning his subjects would be given over to him, and I immediately proceeded to the Bishop's to recommend that the Three Jews should be at once given over to the Custody of their own Consul - which appeared to be acceded to -

The following morning I found the Bishop was full of doubts - he told me he knew there was a conspiracy against his converts - He proposed himself that he should call on M. Marabuti, which I urged him to do, in the hopes that the reasonable language which had been held by this gentleman to me on the Subject, would be repeated to the Bishop and convince him of the necessity of at once submitting to the only legitimate course that could be adopted. I saw the Bishop and the Russian Vice Consul after this interview with each other and I understood that it had been perfectly satisfactory - The charges against the Three Jews were to be heard before the Russian Consul who had consented that one or two of the Bishop's friends should be present; however before the hour of examination arrived the three Converts had recanted, left the missionary's house and identified themselves with their Jewish Brethren.

I have now had the honor to lay before Your Lordship the simple facts of the case as they came before me.

I would humbly beg Your Lordship's permission to add a few remarks which suggest themselves to me in connection with the case.

The Bishop seems to have regarded the matter in a Religious, rather than in a Civil point of view. It appeared to me to be a purely Civil Case.

I was pressed on one hand by the Russian Agents, demanding their subjects, as they stated, altogether irrespective of the Religious part of the question, which they said would be a matter for after consideration - And on the other by the Bishop's urging the necessity of co-operating with him in protecting them. - And although the Bishop states in one of his notes to me, that he had no intention to shelter the parties from the control of their own Consul, yet so long as they were in the house of the missionary they were beyond their Consul's Jurisdiction, and I have little doubt the parties themselves were encouraged with the idea that they were entitled to British Protection, which I felt it my duty not only to decline recognising, but I urged every argument to induce the Bishop to see the responsibility he was

incurring by Sheltering Foreign Subjects who had refused to answer the Summons of their Consul.

The fear expressed by the Bishop as to their personal safety was quite a misapprehension. The whole body of the Jews were no doubt very much excited at the occurrence but there was no fear of their proceeding to commit any act of violence - had they attempted to do so, the Russian Vice Consul would have had sufficient Authority to check it immediately, and when I stated to him the Bishop's fear on this point, he expressed astonishment at the Bishop's thinking he had so little power to protect his subjects, as to make this point a question.

When a Jew in Jerusalem embraces the Christian faith many important considerations are involved. If the party is married a divorce takes place, until the wife becomes a convert also - The Children are also claimed by the Jews until they arrive at years of discretion. Their family and friends mourn for the convert as though he were dead, and the Widow and Children become dependant on the Congregation. The Rabbinical Law forbidding them to receive maintenance from a husband or Father who had renounced his Faith. It may be urged that a Husband can command his Wife, and a Father has a right to claim his children, and to educate them as he pleases - Admitting these points - serious considerations still remain as regards the domestic happiness of the parties, as well as in regard to their future Legal and Civil obligations, and also their past engagements.

If a European Jew professes himself a Convert (as in the present case) his Government might prefer that he should unite himself to the Church recognised by his own Government rather than to one in connection with a Foreign State.

It has been hitherto imagined in Jerusalem, that to be accepted a member of the mission to the Jews here, is to become an Englishman and entitled to British privileges. This seems to be Bishop Alexander's impression, as far as regards converted Jews - I have had to undeceive several Natives on this point, who wanting assistance in some difficulty have come to me saying they wish to become Protestant.

I would humbly suggest these points for Your Lordship's notice, as appearing worthy the consideration of the Authorities in England who have the direction of Religious Missions to these Countries, in order to their being met in a way that would secure a sound and discreet method of carrying on their labours. Without wishing to disparage their pious efforts, it has seemed to me that in their zeal, missionaries do not always allow these points to weigh with them; and I would presume to submit to Your Lordship, that in a Country like this it is in vain for them to pretend to

the same freedom and privileges in their Calling, as in a Protestant Country, where the circumstances are so widely different.

I did not answer the Queries put by the Bishop in his note to me of the 11th October for the reason stated in my reply to him, and because I thought it might occasion further and unnecessary correspondence - The only intercourse I had with the Jews respecting the matter referred to by the Bishop, was through Rabbi Isaiah's Dragoman, who called upon me officially. I expressed to him my willingness to render his consul the assistance he required of me, and I told him I was sure it was not the wish of Her Majesty's Government, that the parties whom he sought should be protected by the Missionaries. I made no remark as to the number of British Subjects residing in Jerusalem who are entitled to my protection - he asked me whether M. Ewald (who is a German and in whose house the Jews were) was a British Subject. - In reply I told him that I did not recognise M. Ewald in this business, but the Bishop, as the head of the Mission, and whom he called "English" - I replied "You must not condemn the 'English' for the acts of every person attached to the Mission, but if you have occasion to make a complaint against any individual - by coming to me, I will let you know whether he is English or not."

CORRESPONDENCE BETWEEN YOUNG AND BISHOP ALEXANDER  
ON THE DISPOSITION OF THE THREE CONVERTS

Enclosure 2 to No. 31)  
CONSUL YOUNG to BISHOP ALEXANDER

No. 1

Jerusalem, 5 October, 1842

MY DEAR LORD BISHOP,

I have just received a communication from the Rabbi Isaiah who is Consular Agent for the affairs of the Russian and Austrian Jews - he states to me that the following three individuals vizt. Abraham Walphen, Elhaza Loria, and Benjam. Bynes, have taken refuge from his Jurisdiction in the house of a member of the Mission of which I believe Your Lordship is here the recognised head.

As the above mentioned authority has called upon me officially to assist him in this matter - I am sure Your Lordship will consider with me the inconvenience which may arise by Countenancing the withdrawal of Foreign Subjects from the jurisdiction of their recognised Superior, and do me the favor to take such steps as you may deem necessary under the circumstances to prevent a compromise of Her Majesty's Government with Foreign Powers.

I have [etc.]

W. T. YOUNG.

(Enclosure 3 to No. 31)

BISHOP ALEXANDER'S REPLY TO THE FOREGOING

MY DEAR SIR,

In reply to yours of this date, I beg to say that the three individuals referred to have taken refuge in the house of a member of this Mission, not from any *Civil* Jurisdiction which Rabbi Isaiah may have over them as Consul, but from apprehension of personal violence in consequence of having declared their belief in Christianity - I do not therefore in this case apprehend any danger of Her Majesty's Government being compromised.

I remain [etc.]

M. S. ANGL: HEIRSOL.

TO

W. T. YOUNG ESQR.

British Consul.

(Enclosure 4 to No. 31)  
CONSUL YOUNG to BISHOP ALEXANDER  
No. 2  
*Jerusalem, 5th October, 1842*

MY DEAR LORD BISHOP,

I am sorry to find by Your Lordship's note that you have no apprehension of implicating Her Majesty's Government in difficulty by countenancing the withdrawal of Foreign Subjects in this Country from their legitimate Authority -

I would earnestly beg Your Lordship to bear in mind that in my note I state distinctly, that Rabbi Isaiah, a Civil Agent to the Russian and Austrian Governments, has applied to me officially to assist him in obtaining that Civil Jurisdiction over his own Subjects, the course of which I apprehend no Authority here, whether Civil or Ecclesiastical has the power to impede.

I would be especially careful of unnecessarily obtruding my opinions on Your Lordship's notice, but when a case comes before me touching my official Duty, I must not hesitate firmly, though respectfully to assure you of my belief that there is danger of compromising Her Majesty's Government, by attempting to interfere in the administration of justice between a Foreign Consular Agent and his own Subjects.

I have no Authority to consider a man's nationality as affected by his religion, therefore although these three Individuals may change their Faith, their nationality remains the same.

I am not aware of any Cruelty intended, I hope this is a misapprehension on Your Lordship's part.

Permit me to entreat of Your Lordship to give the matter Your most earnest consideration - For assuredly the consequences of continuing to shelter these Foreign Subjects from the Jurisdiction of their own Courts, may be serious, and it is an Act, which I feel assured our Government will not recognise.

Believe me [etc:]

W. T. YOUNG

(Enclosure 5 to No. 31)  
BISHOP ALEXANDER'S REPLY TO THE FOREGOING  
*Jerusalem, 5 October, 1842. Evening*

MY DEAR SIR,

In reply to your second note which reached me this Evening, I beg to say, I am quite at a loss to know how the case in question can be considered as "interfering in the administration of justice between a Foreign Consular Agent and his Subjects - " Such I certainly never would countenance; but when three respectable learned Jews, being convinced of the truth of Christianity, on account of which they are exposed to fearful persecution on the part of the Rabbies, flee for refuge to any of our houses, we are bound as Christians to give them shelter, and not to do so, I should consider little short of cruelty, in exposing them to Chains and imprisonment. -

I very much mistake if the same view should not be taken by the Christian Government of England - I cannot but hope, that a personal interview might result in our taking the same view of the case.

Believe me [etc:]

M. S. ANGL: HEIRSOL

(Enclosure 6 to No. 31)  
CONSUL YOUNG to BISHOP ALEXANDER  
No. 3  
*Jerusalem, 5 October, 1842*

MY DEAR LORD BISHOP,

I have to thank you for your Second note - Allow me to assure Your Lordship that I fully appreciated the difficulty of the Case before us, when I addressed you in the first instance, because the parties had been misled in regard to their right to claim British Protection. Hence I found my Official Instructions my only safe line of conduct - As far as I am concerned a personal interview on the Subject could only result in a more extended expression of the same

opinions which I have already ventured to bring before you - If however I may be permitted to suggest for Your Lordship's further consideration a point in reply to the latter part of your note it is this - That granting a Government were desirous to protect by its influence the weak and oppressed of Foreign Nations - would there not be some danger to be apprehended on the one hand, from an abuse of this power in a country like this, and on the other, from establishing a precedent of interference which might prove a hindrance to the well-being of Society at large, and be highly detrimental to the Interests and welfare of that Government, if exercised by an unfriendly Power.

In conclusion I would suggest that even admitting there may be Claims to be apprehended from the rightful Authority over these parties, yet their tribunal cannot be an irresponsible one. They have the power of appeal here to a higher Court as though they resided in Europe, where I imagine we could in no wise presume to interfere in their behalf, by forcibly withholding them from the power to which they are amenable in which if Your Lordship think it necessary still to persist, I must consider myself absolved from all responsibility attending, what must appears to me, a step which Her Majesty's Government will never approve of.

I have [etc.]

W. T. YOUNG

(Enclosure 8 to No. 31)  
BISHOP ALEXANDER to W. T. YOUNG,  
AFTER AN INTERVIEW  
*Jerusalem, 6 October, 1842*

MY DEAR SIR,

In your conversation with the Russian Consul, I hope you will convince him - with my Compliments - that no one of us had the slightest intention of secreting the three Jews from any charge that might be preferred against them; but as it appears from our interview this morning that this seems to be the impression - I beg you to inform the Russian Consul that I am prepared to give directions that in such case they shall appear to answer any charge, provided he will promise to protect them from personal violence, and allow either M. Nicolayson or M. Ewald, or both (and if yourself would kindly do so it would be all the better) to be present when they are examined to hear the nature of the case. For it is strange that both yesterday and today several Rabbies who visited them, declared in the presence of some of our



friends, that they have nothing against them of a moral nature.

It is a question, whether Rabbi Isaiah, who seems to be the accuser - ought to be allowed to act as Judge in the matter - according to English Law, he of course would not be allowed - Perhaps the Russian Consul himself would hear the case, earnestly hoping and praying that this subject may terminate amicably and to the glory of God.

I remain [etc:]

M. S. ANGL: HEIRSOL

THE PROBLEM OF JEWS WHO DIED IN THE MISSION HOSPITAL

Dr. Edward MacGowan wrote to Consul William Young in January 1845:

"My Dear Sir,

"I omitted this morning to inform you of a circumstance connected with the Jew Salomon who dies this morning in the Hospital of the Mission and who has been refused burial by the Chief Rabbis. On Sunday last, the 19th instant, I sent word to the Chief Rabbi Chaim Abram Goghin, [sic] the Rabbi of the Sephardim, that there was a Jew dangerously ill in the Hospital...The patient died this morning, and the said Rabbi has refused to bury him...I consider it right that you should be informed of this circumstance..."

(F.O. 78/625 Enc. to no. 43 (Hyamson I p. 69)).

Finally Macgowan wrote the same day again to Young:

"As no steps has been taken by the Chief Rabbi for the removal of the remains of the Hebrew patient who died yesterday in the men's ward, I gave orders for the interment in the British burial ground."

(F.O. 78/625 Hyamson I 69).

The Mission bought a special plot of land to bury Jews connected with the Mission.

In 1846 we find a letter from H. Newbolt at the Consulate writing to Sir Stratford Canning. He describes action taken against Jews who worked in the Missionary hospital:

"Jerusalem, February 17th 1846  
I have the honor to acquaint your Excellency that I was informed by Dr. Macgowan on the 15th instant of the death of a Jewish woman named Esther Arruas, a British subject. Her last wish being that she should be interred according to Jewish rites in the Jewish Burial Ground, the Rabbis objected to this on the ground that she had been excommunicated for being in the service of a protestant at the Jewish hospital of the the London Society. Having requested the Chief Rabbi and his Excellency the Pasha to have these objections removed; it was refused, but the deceased's son soon afterwards appeared, and declared that the Rabbis would agree to the interment provided he would leave the service of Dr. Macgowan and never return to the Hospital, the son consented to this sacrifice rather than have his mother interred in any other but the Jewish Burial Ground, but having made known his consent to the Rabbis they again refused to allow it...After this Dr. Macgowan accompanied by two other British subjects of the Mission attempted contrary to my advice and opinion to bury the corpse in the Jewish Ground, thinking they would meet with no opposition from the Rabbis. As they were determined on this course by the earnest entreaties of deceased's family and many of her Jewish friends, I gave them the use of my Janissaries for their individual protection, but exacting from them the promise that no attempt at force should be made use of in case of opposition. They were opposed by the Hebrew Dragoman and a mob of low Jews, and I must do these gentlemen the justice to say they immediately gave up the attempt, although I considered them wrong in trying to act without the Pasha's protection and contrary to my expressed opinion. The body was

afterwards interred in a piece of ground purchased by the mission for the express purpose of burying the poor Jews dying in the hospital, but this is the first burial that has taken place in it. [my emphasis, C.K.]"

(F.O. 1015/210 No. 3/ Hyamson I p. 82.

In order to circumvent the legal restrictions the land for the cemetery was purchased in the name of a Rayah Jew called Rachmon who bought it from a Silwan Arab Mohammed Ghoul [sic!]. The Turks took no notice of the transaction and the interment of the aforementioned Esther Arruas. Following the interment Ghoul and Rachmon were jailed by the Pasha and "severely bastinadoed". Macgowan wrote to Vice Consul Newbolt:

"I beg to submit to you the urgent necessity of our having a burial place for the Jews who may die in the service of the mission, or as patients in the hospital; for as they are refused Jewish burial by the Rabbins; and as we cannot consistently give them Christian burial ourselves, it must needs be that they are deprived of all burial whatever, unless we be authorized to hold a piece of ground for that especial purpose. Such must have been the case with the late Jewess, had we not been possessed of a place in which the interment could be effected. But now Mohammed Pasha seeks to deprive us of the said piece of ground not only indirectly by the arrest and punishment of the above mentioned individuals, but by a direct intimation that he had made to you, Sir, that we must deliver up the ground to the former owner, as the purchase of it made by us is null and void...We pray you therefore, Sir, that you will kindly represent this case to his Excellency

Appendix IV - 22

Sir Stratford Canning, with the view of obtaining an order for the liberation of the said individuals, Mohammed Ghoul and Rachmon, and for ratifying the purchase of a burial ground for the especial use of the hospital mission.

"I beg to observe that in the hospital every arrangement and provision are made for the peculiar customs and religious observances of the Jews, so that no reasonable pretext can be made why patients entering therein should be deprived of their privileges as Jews."

**THE RABBIS' REFUSAL TO BURY A JEWESS  
WHO DIED IN THE MISSION HOSPITAL**

No. 48

H. NEWBOLT to SIR STRATFORD CANNING

F.O.195/210 (No. 3)

*Jerusalem, February 17th 1846*

I have the honor to acquaint your Excellency that I was informed by Dr. Macgowan on the 15th instant of the death of a Jewish woman named Esther Arruas, a British subject. Her last wish being that she should be interred according to Jewish rites in the Jewish Burial Ground, the Rabbis objected to this on the ground that she had been excommunicated for being in the service of a protestant at the Jewish hospital of the London Society. Having requested the Chief Rabbi and his Excellency the Pasha to have these objections removed; it was refused, but the deceased's son soon afterwards appeared, and declared that the Rabbis would agree to the interment provided he would leave the service of Dr. Macgowan and never return to the Hospital, the son consented to this sacrifice rather than have his mother interred in any other but the Jewish Burial Ground, but having made known his consent to the Rabbis they again refused to allow it. I then wrote to Mehemed Pasha to request his protection in burying the body in the Jewish Burial Ground, and I have the honor to enclose a copy of this letter and his Excellency's reply. After this Dr. Macgowan accompanied by two other British subjects of the Mission attempted contrary to my advice and opinion to bury the corpse in the Jewish Ground, thinking they would meet with no opposition from the Rabbis. As they were determined on this course by the earnest entreaties of the deceased's family and many of her Jewish friends, I gave them the use of my Janissaries for their individual protection, but exacting from them the promise that no attempt at force should be made use of in case of opposition. They were opposed by the Hebrew dragoman and a mob of low Jews, and I must do these gentlemen the justice to say that they immediately gave up the attempt, although I considered them wrong in trying to act without the Pasha's protection and contrary to my expressed opinion. The body was afterwards interred in a piece of ground purchased by the mission for the express purpose of burying the poor Jews dying in the hospital, but this is the first burial that has taken place in it. Nothing further has occurred on this subject, and I submit the matter to your Excellency to decide whether Mehemed Pasha and the Chief Rabbi were on the side of justice towards a British subject in this opposition, there being full proof that the woman was a thorough Jewess.

P.S. February 18th.

I have this month received a petition from the British subjects, members of the House of Israel, to Your Excellency, praying for a redress of their grievances, and attached to it a certificate that Esther Ruas was a good and faithful Israelite; and I have just time to enclose it in time for post.

THE MISSION SCHOOLS - 1891

No. 350

JOHN DICKSON to EDMUND FANE

F.O.195/1727(No. 30)

Jerusalem, 5 August, 1891

... The "London Jews Society's" Mission several years ago established a girls' school in Jerusalem for the education of Jewish children, and has been in the habit of receiving girls into the school on condition that the parents give a guarantee that the pupils will remain in the school until the age of 16. This condition appears to be necessary, otherwise a number of indigent Jews would avail themselves of the school in question in order to put their children in it, where they would be well clothed and fed, gratis, and then take them away again as it suited them. The guarantee itself may be said to be nominal, for it is doubtful whether it is binding according to Ottoman law.

A short while ago a certain Yacovitz placed his step-daughter, named Jeanette, a girl of about ten or twelve years of age, in the school, and signed the required engagement, and afterwards left the country. The mother, who had been absent, after a time came to Jerusalem, and finding that the girl was in the school claimed her, but the representatives of the mission refused to give her up, unless the woman produced the written authority of the step-father. The woman applied to the Local Authorities, and His Excellency the Governor of Jerusalem addressed to me a letter on the 22nd of April last, of which I have the honour to enclose herewith a copy [Not copied] and translation, asking me to deliver up the girl, and I communicated its contents to the Superintendent of the Mission, the Rev. A.H. Kelk, who replied (copy [Not copied] of his letter also enclosed) that he declined to give up the girl principally on moral grounds. The mother is a divorced woman, married to Yacovitz, and is stated to be the keeper of a house of ill fame at Port Said, and from what I have seen of her, she would seem to bear out this report. His Excellency the Governor, to whom I communicated a translation of Mr. Kelk's letter, has, however, continued to send me urgent messages asking for the girl, and has even given me to understand that he would request me to name a delegate on the part of the Consulate to accompany one of his officials to take away the child from the school by force, as in a criminal case. In principle His Excellency would seem to be in the right in demanding the girl, who is an Ottoman Subject, although not a Mohamedan, but for reasons of morality it is doubtful whether the Rev. A.H. Kelk is not justified in refusing to comply with His Excellency's demand. The woman on the other hand seems to be incited to importune the Authorities by several of the Jewish Rabbis, who, from a spirit of



fanaticism, are continually causing trouble to the Mission of the "London Jew's Society." On the 15th of April last, a complaint was made by one of the Agents of the Mission, copy [Dr. Wheeler, April 15, 1891. Not copied.] of whose letter I beg to enclose, that a child of the school had been forcibly carried off by a Jew, whilst the girls were coming out of the English Church, causing a considerable disturbance in the presence of some of the congregation, and alarming the lady teachers; and although I represented the matter to His Excellency the Governor, I regret to state, no redress was offered.

Taking all these facts into consideration I have abstained from pressing the Rev. A.H. Kelk to deliver up the girl in question, but have ventured to submit the matter to you in case you should think proper to furnish me with instructions for my guidance, and in order that you may be made acquainted with the circumstances connected with the affair, in the event of its being brought to the notice of the Porte, by the Governor of Jerusalem.

I have the honour to add that the Rev. A.H. Kelk has a Firman for the school above referred to dated the 21st January, 1891.

**THE MISSIONARIES BLAME RABBI ELYASHER  
FOR JEWISH UNREST AND CALL FOR HIS REMOVAL**

Letter from John Dickson (F.O. 195/1984 [No. 53]), dated 21  
October, 1887:

"With reference to my Despatch No. 36 of the 25th of June last, in which I alluded to the hostile demonstrations made by the Jews against the Hospital of the "London Society for Promoting Christianity amongst the Jews," I have the honour to report to Your Excellency that, notwithstanding my representations to the Local Authorities, these demonstrations have recently been renewed. Jews visiting the hospital as out-patients have, on issuing from the building, been beaten and their medicines taken away from them and destroyed by groups of Jews on the watch outside the gates; the friends and relatives of in-patients are persecuted and annoyed by the Rabbis and their agents; and lately no Jewish meat has been permitted to be sold to the hospital for the use of the patients. In fact the new hospital of the "London Jews' Society" has literally been boycotted. ..."

Dickson places the blame for this anti-mission unrest  
squarely on Rabbi Elyashar:

"... In reporting these facts to Your Excellency I would beg to point out the extremely hostile attitude of the Chief Rabbi, who is said to be instigated by several European Jews of Socialistic tendencies, towards the English Mission, and the want of energy displayed by the Authorities in quelling at the outset these fanatical disturbances. I would accordingly suggest that the Chief Rabbi be removed by the Porte from his post, which will have a salutary effect on the Jewish Community in this city, and that

the authorities be cautioned to maintain strict order in future. Should such demonstrations on the part of the Jewish population be permitted to pass unpunished, encouragement would be given, on very small provocations, to risings by Mahomedians against Christians, which would be of a very different and far more serious character."

BRITISH REPORTS OF JEWISH REACTIONS TO MISSIONARIES

(Enclosure 1 to No. 147)

F.O.78/963 (No.14)

Jerusalem, 15th December, 1852

SIR,

I have the honor to represent that the London Society's Mission to the Jews in Jerusalem having called upon me on several occasions to interfere with the Turkish authorities in behalf of a Convert named Daood Rachmon (a Turkish Subject) claiming his wife and children, who not having embraced Christianity are kept back forcibly from him by the Rabbis.

The Missionaries wish to press this matter, not for the sake of coercing an unwilling wife in matters of religion, but for the sake of ascertaining what is the law in the matter. Daood himself offers to support his family respectably, and to allow the wife perfect liberty of conscience and worship....

(Enclosure 1 to No. 122)

F.O.195/369.

Translation of a Document received by Mr. Consul Finn from  
His Lordship the Anglican Bishop--Written in Arabic

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On the 19th day of June, 1851, a Jew named Daood Rahhmôn presented himself crying, to Mr. Nicolayson an English Clergyman, who is also Wakeel of the Protestant Community, and declared that on the Saturday about 3 o'clock in the afternoon being in the Jewish Quarter, he was desired by Mustafa Basheeti to go to speak with the Chief Rabbi - accordingly he went, and on his arrival at the said house he found an assembly of Jews, who immediately placed him in a place until the end of Sabbath and then brought him before the Chief Rabbi - All the Assembly rose up against hem and beat him much with sticks, also pipe sticks, without enquiring anything of him. ... - He believes that his only crime is that of having sent his children to the Protestant school to learn to read....

JAMES FINN to VISCOUNT PALMERSTON

F.O.78/839 (No. 7)

*Jerusalem, 23 April, 1850*

(Abstract)

Reporting a visit paid to Safed, on account of a Jewish person under British protection, having been beaten by a crowd of Jews for declaring his belief in Christianity...

THE MISSIONARIES COMPLAIN ABOUT JEWISH HARRASSMENT - 1898

No. 164

(Enclosure to No. 393)

F.O.195/2028

[Copy]

"London Jews Society's" Mission Hospital  
Jerusalem, July 14, 1898

Dear Sir,

Allow me again to draw your serious attention to the question of the Jewish 'patrols' Nissim Varon, and Abram Albukrak, who are directly interfering with our Hospital work, by spying, preventing, and molesting Jewish patients who come to us for medical advice.

You are aware that our medical work - one of peace, love, and charity - amongst Jews, has been carried on for over 50 years, and has been much appreciated by them, as the statistics forwarded lately to His Excellency the Pasha show. Moreover, the Hospital holds an Imperial Iradé from His Imperial Majesty the Sultan.

This matter of espionage is becoming a very annoying and serious affair, and is sure to lead to grave consequences, if not put down soon with a firm hand. The unseemly riot that occurred last year in connection with the woman who died in the Hospital might well serve as a warning.

...Again, yesterday, a deliberate attack was made on a Jew who was robbed and beaten, because he was carrying Kosher meat which they declared was for the Hospital patients; this meat was purchased and paid for in the usual way.

Further, only this morning there was a scrimmage between one of these Jewish patrols, and a Jewish patient who was coming to the Hospital. ...

We have for a long time patiently borne with these insults and annoyances. You yourself most kindly accompanied me to the Chief Rabbi to whom we pointed out the illegality of such acts of moral and physical violence, uncalled for (considering that the Hospital is carried on in the same manner as heretofore, the patients having Kosher food, and allowed perfect religious freedom etc.)....

...stop to, as soon as possible, these outrages against law and civilized society, so that we may carry on, as in years past, our work of love, peace and charity.

I have, etc.

(Signed) PERCY D'ERF WHEELER,

M.D., F.R.C.S.  
Medical Superintendent.

To JOHN DICKSON, ESQ.  
H.B.M. Consul, Jerusalem.

A COMPLAINT ABOUT RABBINICAL ANTI-MISSIONARY STATEMENTS

(Enclosure 1 to No. 45)

F.O.78/625

COPY

MEMORIAL OF CERTAIN MEMBERS OF THE  
ANGLICAN CHURCH to W. T. YOUNG

Jerusalem, Feby. 12th 1845

SIR,

We, whose names are subscribed desire to call your attention to a paper printed in Jerusalem by Rabbinical Authority, and intended for general distribution among the Jews throughout Europe.

Its object is to collect alms for the Jews in the Holy City - and to promote this object, an affecting, but false statement of insult and oppression is put forth. To enable you to form a correct judgment, we have procured a translation of a portion of the Document which prefers seven distinct charges against the Members of the Anglican Church resident here.

After speaking in no measured terms of the Members of that Church (who we may remark in passing, are, in an Anathema lately published, styled "*Free Masons*," an Epithet used by them as synonymous with "Infidel") the document before us proceeds as follows -

"And now O Mountains of Israel, look and see how many and severe visitations, losses and troubles, have happened unto us, by means of their coming to the Holy Land amongst us.

"The first is - that they have come to remove our steps - to hunt Jewish souls. Moreover the *Apostates* have come to enslave us with the *Captivity of body and soul*, and this Captivity is harder than the Captivity of the Gentiles - may God (Holy and Blessed be He) deliver us out of their hands.

"Secondly. They have occasioned our distresses For we are compelled to give of our substance and of our money to build and repair an hospital. For they have opened the eyes of the needy among us. Formerly from time immemorial, since a settlement has again been established for us in the Holy City, such a thing as an hospital for the sick of the people of Israel, has not been seen. Every one was clean in his own house, his wife attending him in his sickness - The poor was cherished in his affliction, the Doctor attending him gratuitously, being paid out of the chest of the Society for visiting the sick, and giving hem medicine without pay. As for an hospital its name was not known.



"Thirdly - These Apostates & Missionaries are daily increasing, and they come to the Holy Mountain and to Jerusalem, and fix their habitations in the Holy City, they, their sons and their wives and their little ones, and the land is being filled with them.

Money is of no consideration with them, and they come & hire houses and premises from whomsoever they please, increasing the rent to the Gentiles, the proprietors of the ground, five or seven times. And they have taken several houses in which Jews lived, and driven them out, and placed themselves in their stead, and thus several Chazakoth [Prescriptive rights] ( ) have been lost.

"Fourthly. Connected with this is the high price of houses which they have brought about, against which there is no power to stand. For the eyes of the Gentiles have been opened, seeing the readiness with which money is given for the houses. Our eyes see this & fail, and the Congregation of the Lord is oppressed & cast down - they cry and none delivereth.

"Fifthly. In their wickedness, their hatred being rooted in their hearts, they destroy and defile. They go to the Cemetery, the Eternal Home. Upon the graves of the Saints (and especially on the grave of Zachariah the Prophet), who were eminent like Angels, the Rabbis and the Geönim, they provoking, scribble the form of Cross upon the tombstones of their graves - for their hands prevail through the power of wealth.

"Sixthly. They cannot turn away their hands from destruction, but go in secret to the caves of Geniza [There are certain things, i.e. "Old Copies of the Law" which the Talmud forbids to be destroyed. These when no longer fit for use are buried, and the Depository is called a "geniza".] ( ) which are without the city, where are buried all the sacred writings, the Books of the Law, and the Holy Vessels, Tiphilim (Phylacteries) Mezuzoth [Strips of parchment with Sentences of Law written upon them and fixed on the door posts of the Jewish houses.] & the Instruments of Commandments ( ) and they kindle a flame of fire, and burn all the divine appointments which were hid in the earth - and suddenly the smoke arises like the smoke of a furnace, so that it becomes a Divine Terror - Oh Lord! how long, O God, shall the enemy blaspheme? shall the enemy provoke Thy Name for ever? Remember Thy reproach from the wicked, a wicked people, who vex Thy name - Woe unto us, for burning of the Law! And who can speak in judgment with them, for by the multitude of their riches, their silver and gold being with them they stop the mouths of the Gentiles, and shut their eyes. And we have no King, helper or deliverer, & Israel is becoming poorer, until the Lord shall

look down upon them, with a favorable eye, & have compassion upon the poor & needy & save the souls of the *oppressed*.

"Seventhly. The seventh thing which they add unto their sins is, that they daily use evil words. They do not rest nor stop the wicked pen from writing and publishing in the Gazettes, in all the dispersion of Israel, words of *falsehood & lies*. They send forth statements, concerning the people who dwell in Zion, viz. that they have had great opportunities of turning away & changing the souls of the Jews, into the abomination of *Heresy & Epicurism* - But it is all *lying and falsehood*. They write that they come to visit us; and that we receive them with honor & politeness, by which many might suppose that we (which God forbid) acknowledge their deeds - But it is all the *falsehood* of the pen. They have helped forward the evil to make our savour to stink in the outward cities [All cities beyond the boundaries of Palestine], to degrade the glory of the wise men & the Teachers of the Law, and to cause the avenues of Providence to cease from us, by words of *falsehood*. May they perish who speak slander! May God cut off all slandering lips!! And this shall be our comfort, that all upright and favorable readers will not turn their hearts to iniquity & the words of folly - nor be persuaded by their folly."

We do not deem it necessary to enter on any defence, nor would we appear to dictate what course ought to be pursued (*sic*) - But we desire particularly to call your attention to the charges contained in No. 3 of gross insults to those natural feelings of respect which all nations entertain for the repositories of the Dead - No. 6, of wantonly and sacrilegiously burning Copies of the Sacred Book of the Law of God, and by defeating by bribery the efforts of those we insult and injure to obtain redress. Upon this last we would remark, that as all appeals for protection against alleged injury from us, must be made to Her Majesty's Consul, it has a double meaning, and if true, involves us in the guilt of *offering* - the Consul, in that of *receiving bribes*.

Our object is self-justification, not punishment - We would therefore suggest that as far as we are concerned, our purpose will be affected [*sic*], were an official request made to Rabbi Isaiah for an explanation - His name appears as one of those by whom these accusations are authenticated, and we single him out, as a fitting channel for explanation in consequence of his official character as Austrian Consular Agent for the Jews. Begging You to give the Memorial the benefit of Your attentive consideration, we have the honor to be, Sir,

Your obedient humble Servants

(Signed) WM. DOUGLAS VEITCH

Chaplain to the Bishop of Jerusalem

EDWARD MACGOWAN, M.D.

JOHN NICOLAYSON

*Minister of St. James Chapel*

Signed

JAMES GRAHAM NICHOL, M.D.

THOMAS KERN

M.P. BERGHEIM

E. SCOTT CALMAN

CONSULAR CORRESPONDENCE REGARDING INTRODUCTION OF MODERN  
EDUCATION IN EREZ ISRAEL

Finn to Clarendon, 1858:

"Sir Montefiore who was here last summer for the fourth time, exerted himself in promoting education and mechanical employments for the poor of the Jews - as yet the benefit is not very apparent, through their own fault - his institutions however still remain in existence, such as a girls' school and a weaving establishment - and I doubt not that they will in time produce beneficial results. Upon the piece of ground purchased near the city, the proposed hospital and aims-houses, are not yet commenced, neither do I find Jews employed in cultivation of the soil there: but a cottage is built, and an expensive windmill will soon be completed.

"The difficulty experienced by Sir Moses in promoting European education among the Jews of Jerusalem, has equally affected the intention of the great Jewish families of Paris and Vienna; for all have been obliged to modify their plans on account of the fanaticism of the Rabbinical authorities, who will not suffer their people, especially in the holy city, to 'learn the ways of the heathen.' Sir Moses was even excommunicated by some of the synagogues, and insulted by the populace in the street. A Dr. Frankl of Vienna, a man of considerable Jewish and other learning, came here in 1856, provided with large sums of money for establishing schools and rich presents to pacify the synagogues - the Austrian Consulate lavished its means of authority and display on his behalf, but they merely succeeded in establishing a Talmud school, and that for the Sephardim only. The Ashkenazim prohibited the members of their synagogues under penalty of excommunication from even passing along the street of the new school to this day. A similar opposition was made to

the schools attempted by the French Jews about three years since, aided by the influence and presence of the French Consul."

A.M. Hyamson, *British Consulate*, Vol. I, p. 258.

Almost thirty years after Finn's report, Consul Noel Temple Moore was able to record some positive achievements:

"*Jewish School*. Although the Jews constitute the majority of the population of Jerusalem, Jaffa, and Hebron 88 schools attended by 1924 boys and 360 girls, but the great majority of them cannot be called even primary, the subjects of study being confined to the Bible and Talmud, and Commentaries thereon. In a few the elements of Arabic and French, and of arithmetic, are taught.

"Fortunately for the cause of the Jewish secular education in this country, within recent years a few schools on ordinary principles have been established. a) Foremost amongst these ranks the school of the "Alliance Israelite" of Paris, a superior and excellent institution under efficient direction. The number of pupils is 150, comprising boarders and day scholars. The teaching staff is composed of 2 Hebrew, 3 Arabic, French and 1 English master: 1 mechanician, and 7 masters for teaching arts and trades. The course of study includes Hebrew, Arabic, French and English; general useful knowledge; the elements of science; drawing; technical instruction in mechanics, smithery, locksmiths' work, carpentry, turnery, carving and shoe-making; b) German Jewish Orphanage, 16 boarders and 18 day scholars; elementary instruction, and Hebrew, Arabic and German taught. c) Eveline school for girls, 160 pupils; subjects taught - Hebrew, French, needlework, embroidery.

"Near Jaffa the 'Alliance Israelite' maintain an agricultural school - a large and handsome establishment under efficient management and supplying a real desideratum for the Jewish population. There are 50 pupils, all boarders. The instruction consists of the Hebrew, Arabic and French languages; agriculture; gardening and trades. This institution is becoming largely self-supporting.

All the above enumerated Jewish institutions and schools are maintained by various associations in Europe; from endowments made by their founders, the income of legacies, and donations and collections made in Europe; in some instances small fees are paid by some of the pupils."

Ibid. pp. 428-429.

CORRESPONDENCE ON JEWISH EDUCATION

No. 295

NOEL TEMPLE MOORE to SIR A. H. LAYARD  
F.O.195/1263 (No. 8)

*Jerusalem, June 11th, 1879*

In compliance with the instruction contained in Your Excellency's despatch, No. 1, of the 12th Ultimo [Not found], I have the honour to report that some months ago a sum of money was received from England by the Revd. Rabbi S. Salant, Chief Rabbi of the Ashkenazim or German and Polish Jewish Congregations, for the purpose of providing the means of teaching the Arabic language to Jewish boys. Rabbi Salant and other Rabbis approved of the scheme, and arrangements were made accordingly, a teacher engaged, and instruction commenced.

Soon afterwards, however, a violent opposition was manifested by a faction, numerically small, who ill-treated the Teacher and threatened to wreck the room in which the teaching was carried on. They procured the decree referred to in Your Excellency's despatch, declaring the teaching of foreign languages to be unlawful, which they induced a certain Rabbi Joshua Diskin, an aged and learned Rabbi and a person of considerable influence and repute amongst the Jews, to sign. By these means the opponents of the scheme carried their point, and the lessons were discontinued.

On the receipt of your despatch, I sought an interview with Rabbi Salant, with whom I have long entertained friendly relations. He told me - as has already appeared from what has been stated - that he and the large majority of his fellow Rabbis were in favour of instructing Jewish boys in the Arabic and Turkish languages, and appreciated the advantages that would result to them therefrom, but that he had discontinued the teaching of Arabic which had been begun rather than that it should be the cause of dissensions and disturbances, which, moreover, he was powerless to repress - a view concurred in by the donors of the funds, to whom he had reported the circumstances. As a further proof of his own Good-will in the matter, he informed me that he had refused to allow the decree to be published to the people in the Great Synagogue, as was strongly desired by its authors.

It appears that the opposition proceeds from a small minority of Rabbis, mostly of the sect of Khasidim, or "the Pious", which is characterised by intense fanaticism, and composed chiefly of Hungarian Jews. Their motive seems to be a fear that the study of foreign languages would lure away the Israelitish youths from the study of their own sacred literature and imbue them with gentile ideas, which, in its

turn, would interfere with the flow of charitable donations from Europe, whose raison d'etre is the supposed piety, and consequent efficacy of the vicarious prayers, of the Jews of Jerusalem.

Through intelligent and respectable Jewish residents, whom I also requested to consult with Rabbi Salant, I have addressed friendly remonstrances and representations to Rabbi Diskin and others who had acted with him in this matter, but, I regret to say, with no favourable result. The answer is that they have acted from conscientious motives, and the decree cannot be recalled.

It is not easy to suggest a remedy; Rabbi Salant has no official authority and, unlike the Chief Rabbi of the Sephardim, is not recognised by the Turkish Authorities. Should the instruction in Arabic be resumed and disorders occur again, proceedings must be taken in four or five different Consulates, for nearly all foreign Jews are under the protection of one or another of them; and this circumstance would greatly hamper any intervention which the Turkish Authorities might be called upon to exercise. The Rabbi Diskin above mentioned, though of Russian origin, is a naturalised French Subject.

Probably the best means of overcoming the difficulty would be to bring the influence of Jews in Authority in Europe to bear on the dissidents.

In reply to my inquiry Rauof Pasha told me he had received no communication on this subject from the Porte.

No. 296

SIR A. H. LAYARD to N. T. MOORE

F.O.195/1234 (No. 4)

*Therapia*, 27 July 1879

With reference to your despatch No. 8 of the 11th ultimo I forward to you letters addressed to Abraham Eskenazi, the Grand Rabbi of the Jews at Jerusalem, from the civil and spiritual heads of the Jewish Community in Turkey, which you will cause to be delivered to His Eminence. They are accompanied by a translation by which you will perceive that the Grand Rabbi is requested to interfere to prevent the enforcement of the regulation established by certain foreign rabbis by which Jewish children in the schools are forbidden to learn the Arabic and Turkish languages and ordered to confine themselves to the study of the Talmud. If you think it desirable to communicate on this subject with the Vali in order to obtain the assistance of the Turkish authorities in preventing the intolerant and unreasonable



proceedings of the foreign rabbis which are strongly condemned by the leading Jews in England I authorize you to do so and you will inform me if you consider it necessary that I should again make representations on the subject to the Porte.

THE SHALOM CASE

No. 209

JAMES FINN to LORD JOHN RUSSELL

F.O.195/675 (Consular No. 33.)

*Jerusalem, 21st June, 1861*

I have to report that there has been of late a growing spirit of tyrannical interference on the part of certain Jerusalem Rabbis, with the right of every British subject to appeal freely for justice at this Consulate.

This spirit has shewn itself in recent cases and threats and intimidation have been resorted to to deter Jews from prosecuting appeals before me against other Jews and to compel them to go to Rabbinical Courts.

A case is now before me in which I have felt it my duty to make a stand on account of the violent measures taken by the party. - I am assured by most respectable Jews and am led to the same conclusion by my acquaintance with that nation that the present movement originates with a few interested persons with whom are acting some others, but recently arrived in this country, of respectable character, but known for their extraordinary religious zeal.

There is a controversy between the community of Hebron and their temporal agent Joseph Shalom in respect of certain long standing accounts.

The Hebron Community opened suit in this Consulate against Shalom on the charges of peculation and malversation. - After patient hearing I saw it my duty to pronounce these charges unproven and to acquit the defendant.

He then opened suit against two Rabbis employed by him to collect funds, which ended in their being sentenced by me to produce accounts, in default of which they were imprisoned on the 23rd May. On the 24th being Eve of Sabbath I released them for four days on the guarantee of the Chief Rabbi who undertook to try to settle the matter. Joseph Shalom obtained a further respite of eight days for them - but nothing having been done, they were remanded, and are now in prison.

On the 10th of June some of the Rabbis in Jerusalem excommunicated Shalom in order to compel the release of the prisoners or as revenge upon him or both.

It was done in the most awful manner known to Jewish observance and with attendant ceremonies that I am told have not been used for many generations - no one is allowed to

speak to him or to come within four ells of his person. In consequence his mercantile business is suspended and heavy pecuniary loss entailed - he being about the largest merchant of the city and Agent for Sasson and Co. of Bombay.

I issued the enclosed notice to the leading Rabbis on the 11th instant, which I believed to be dealing with the root of the whole matter, and which if attended to and the evil remedied the other parts of the Shalom case would be easily dealt with afterwards.

To this the Rabbis returned answer on the 13th commenting upon the details of the Shalom lawsuits and I found it necessary to address them again on the next day as here enclosed.

Finding this also without effect and that my letters were kept from the knowledge of the public I issued the proclamation to the Jewish Public here on the 17th in various languages. This was freely read, and led to the Rabbis being besieged with expostulations by their people for acting in such a manner as "to take away our Consul from us," as they expressed it.

A further letter of argumentation was sent by the Rabbis to this Consulate, but neither in this nor in any of the others have they attempted to deny that Jews are liable to Excommunication for appealing to Consular instead of Rabbinical Courts.

The most respectable Jews have within the last three days been going to and fro between the Consulate and the leaders and have sought to bring them to remit the excommunication: Some of these mediators have stated that though it is a crime according to Rabbinical law for a Jew to appeal to Consular justice against a Jew yet it is not customary to punish this with excommunication. These have made efforts to get the excommunication which is regarded by me as a public affront to the British Consulate, withdrawn, but their efforts have been fruitless as yet.

Yesterday the principal Jewish physician and a leading merchant voluntarily sought to bring the Rabbis to terms, and were sent to me by these with the message that they would take off the Excommunication - if I would first promise to release the prisoners the same day.

This I naturally refused but caused the proposal herein enclosed to be communicated to them. They considered it reasonable and took notes of it - but after more than two hours returned saying that the Rabbis were impracticable. I have therefore suspended all Jewish business of every kind excepting for such persons as will sign a document to declare that they will not recognize any similar

excommunication. And I believe that this step has been necessary for vindication of Consular jurisdiction.

While I am writing tow British subjects Jews - have sent me in their signatures to a declaration in substance the same as the one I dictated.

I reserve to myself the right of taking up cases in which Jews may suffer personal violence from Arabs or others and I have signified that I shall receive signatures to the declaration at any time from those who wish to give it.

Lastly I have no wish to deter Jews from having recourse to Rabbinical courts if they prefer them - but wish to protect by every means in my power the right of every man alike to be unpunished for appealing to his lawful authority and to allow of no species of intimidation to be exercised either towards any person thus appealing or towards the Consul himself in the exercise of his official duties.

It may be necessary for me hereafter to trouble Your Lordship with a Report of the whole proceedings of this Court between the Hebron Community and their Agent. - During these a corrupt state of things almost incredible has been brought before me and there seems no doubt (and this is the opinion of many respectable Jews) that persons pecuniarily interested are the principal movers in the present excitement. The oldest leading Rabbis are keeping aloof from the whole affair. Ultimate good will doubtless result from the exposure and Jewish money affairs will be put on an honester footing.

Meanwhile I trust the better disposed will ere long find some means of arranging matters so that I may be enabled as heretofore to enter upon any case brought before me by Jews: as it has been my happiness during the past fifteen years to aid in improving the condition of the Jews in Palestine. - And I know that they have been really grateful to H.M. Government for all that has been done the them.

This day I have been applied to by a Committee of Jews to do as on many former occasions - namely attest and recommend the object of a circular now being issued for collection of funds in this case for building Alms houses - knowing the object to be a good one I have given the desired recommendation. This incident will serve to shew that the movement above described is limited to a certain party.

(Enclosure 1 to No. 209)

Jerusalem, 11th June, 1861

To the Rabbis and Rulers of the Congregation in Jerusalem:

It is with sorrow that I am obliged to address these lines to you. During fifteen years I have felt pleasure in carrying out the wishes of the Government of Her Majesty the Queen of England in helping the Jewish people in Palestine, whether by exerting my influence in stopping persecution which threatened their lives, or by obtaining relief for them in time of famine or distress, or obtaining permission for their synagogues or other public buildings to be erected - or by directly or indirectly aiding every Israelite however low his rank whom I knew to be oppressed or in misery -

I believed, and I have written testimony that the people of Israel were grateful for all this to the Government of England and also to myself.

But now I am obliged to express my very serious displeasure. - Some persons have risen within the last year, who say it shall be unlawful for any Jew to seek justice against a brother Jew in a Gentile Consulate.

A Jew may seek aid in a Gentile Consulate for help against a Turk or an Englishman or any other Gentile, but not against a brother Jew - although he be a thief or a criminal of the worst kind.

Several Jews who have come to this consulate seeking justice from me against other Jews either for recovery of debts - or when they had been robbed, or had had marriage contracts broken - were threatened with excommunication for having done so and in one case a Jew was obliged to get a written permission from Rabbis to appeal to the British Consulate before he would do so, and that permission was only available for that one case.

And now there is a lawsuit in which I have been appealed to and have given judgement between Jews. Many of the Israelites of the Holy City have excommunicated the person who was the Appellant, and he is now under excommunication without respect to whether his cause was a just one or not.

And the venerable Chief Rabbi of Jerusalem has left town in order not to be mixed up in the business.

Unless the wise and prudent in Israel can put an end to this state of things it will be my painful duty to cease from receiving appeals from all Jews whatsoever and to abstain from protecting them until I receive further orders from the

English Government. I shall be compelled to ask whether my government wish me to obtain justice against Gentiles in favour of Jews - so long as a Jew who seeks justice from a Jew in this Consulate is liable to excommunication in order to compel him to go only to the Jewish Tribunal the Beth Din, thereby casting dishonor upon the laws of England and upon that Government which is always ready to do justice and to receive appeals for help.

(Signed) James Finn,  
Her Britannic Majesty's Consul.

(Enclosure 4 to No. 209)  
COPY

F.O.195/675

Terms which Mr. Finn authorized to be offered to Dr. Neumann and Mr. Valeri instead of the offer they brought from the Rabbis June 20.1861.

1st. The Excommunication to be taken off Joseph Shalom, British Subject.

2nd. That done the Consul will allow the Hebron Community to deliver in the accounts which the two imprisoned Rabbis have given them instead of the Rabbis waiting till they can procure accounts from abroad.

3rd. In case those accounts prove also unsatisfactory and it should be necessary to write for the accounts according to the strict letter of the sentence the Consul will accept bail given by the Community for the Prisoners and release them.

These two points being settled the Consul will use his influence with J. Shalom to submit the accounts of the Hebron Community in his hands to a Commission either appointed by the Consul, or sent here expressly at the Consul's request by Sir M. Montefiore and Baron Rothschild - or chosen in Jerusalem by the parties interested.

J. Shalom having formerly requested H.M. Consul to inspect these accounts it is likely he would accede to the proposal of such a commission.

JAMES MURRAY

F.O.78/2068

Sir Moses Montefiore called with the inclosed Letter, and said his object was to explain verbally that he had himself done all that he could by Correspondence with the Rabbis and Consul Finn to bring about a better understanding between them, but all in vain and he saw no hope of peace at Jerusalem unless Mr. Finn received positive instructions to assume a less offensive tone and to abstain from arrogating to himself a right, which he does not possess, to lay down the Law to all Jews in Palestine.

I said I had no doubt that what Sir Moses specially referred to at this moment was Mr. Finn's proceeding in the case of a Dutch Jew, over whom he had claimed jurisdiction, altho' that Jurisdiction was disputed by the Netherlands Consul; and that we had told Consul Finn that he was wrong. - Sir Moses replied that this was so in fact; but besides this, Mr. Finn's conduct was altogether too arbitrary, and the London Committee of Deputies of British Jews wished to remonstrate against it. They were very sensible of the kind Protection given by H.M. Govt. to the Jews in Palestine, but Mr. Finn's mode of protection, as evidenced by the accompanying Notice [See Enclosure 3 to No. 209.] which Sir Moses put into my hand was very offensive.

Sir Moses concluded by saying that having thus expressed what the Deputation wished to state to Lord Russell, he would waive his request for an interview, and would merely leave the letter as a record of his having called.

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I presume it would be desirable that Mr. Finn should be told to adopt a more conciliatory course.

J.M. [James Murray] Nov.27/61

Mr. Finn's bombastic proclamation parodying Genesis and Deutronemy, are too absurd to be tolerated.

[?] A.H.L. [Sir A.H. Layard]

Mr. Finn is an absurd man, but he is in favour of toleration agst. the High Church of Jerusalem. He must be told to be more conciliatory towards the Jews.

R. [Earl Russell]

**THE JERUSALEM RABBIS THANK QUEEN VICTORIA FOR BRITAIN'S  
INTERCESSION IN THE DAMASCUS BLOOD-LIBEL AND GIVE THANKS FOR  
THE FAILURE OF THE ASSASSINATION ATTEMPT AGAINST HER - 1840**

...remembering especially the merciful interposition of Her Government in the late persecution of our brethren at Damascus, we feel ourselves bound, to praise the Lord of All, for that He has wrought a great redemption, in preserving Her life from danger [in a failed assassination attempt - C.K.] - And anxious to express our joy at this, and that the people of God may not appear ungrateful, we have the honor to request you to forward the accompanying Address to Her Majesty - long may She reign!

signed by--The Chief Rabbi,  
Second Rabbi and  
the Procurator of the Congregation.

Jerusalem the 24th day of  
Tammuz 5600 AM.

(Enclosure 3 to No. 22)  
F.O.78/413 TRANSLATION

Zion, "the perfection of beauty" the 24th day of Tammuz in  
the year of the Creation 5600 [1840].

The humble, grateful congratulation of the Children of  
Judah and Israel, inhabiting Jerusalem the beloved  
City, to Her Gracious majesty, Victoria Queen of Great  
Britain, (may Her glory be exalted) on the Redemption  
and happy deliverance which the Lord who dwelleth in  
Zion vouchsafed to Her and to the Consort of Her Youth,  
the Great Prince Albert of Praise and Renown -  
Amen!

We, the undersigned, called by the name of Jacob and  
surnamed Israel, in humble obeisance and prostration at Your  
Majesty's footstool, be Your Majesty's acceptance of the  
tribute of the poor of God's people from the hands of Your  
Gracious Majesty's servants, assembled in the House of our  
God, in consequence of the distressing tidings which cover  
us with shame and confusion, that a man should be found  
under Your Majesty's mild and tender sway, to plot against  
the Anointed of the Lord.

But in the mercy of God on them that fear Him, who confounds  
the imagination of the crafty, and turns their counsel into



folly, the hand of the evildoer was shortened, and the Righteous is delivered out of trouble.

And, therefore we greatly rejoice; our mouths are full of singing like the Sea, and our tongues like the roaring of its billows with song; Jerusalem raises Her voice, shouting at the top of all Her streets- Praise the Lord all ye nations, for His mercy has been great towards us the remnant in "The Land", and all Israel, in preserving the life of Your Majesty, of whom we said, Under Her shadow we shall live among the heathen, and through whose Royal compassion and fostering care, the Lord will do us good. And we offer up our prayers before the face of the Lord God of Israel, that in His mercy the Command may go forth, that the enemy shall not be able to do Her violence, and the son of wickedness shall not hurt Her, and that Her Throne and Majesty be established for the prosperity and wellbeing of all her Subjects, be they Jews or Christians, for we have all One Father, the same God is our Creator.

May the Sun of Your Majesty's favor continue to shine on us and all Israel, until the time that the Lord, according to His word, shall bring back the captivity of His people. And may Your Majesty receive dignity and glory, when the Redeemer shall come to Zion, when Judah shall be saved, and Israel shall dwell safely, which may the Lord grant speedily, even in your Majesty's reign.  
Amen! Salah!

Such is the Prayer of humble Israelites, the poor of the flock, who in heartfelt and grateful attachment to Your Majesty's Royal Person subscribe our names in truth and sincerity.

Signed by the Chief Rabbis of the Congregation  
and duly Sealed with the Public Seal.

(Endorsed)

May the Kingdom of Britain  
be Exalted!

ADDRESS BY THE ASHKENAZI RABBIS TO QUEEN VICTORIA

No. 225

JAMES FINN to EARL RUSSELL

F.O.78/1692 (Consular 57)

*Jerusalem, December 13, 1862*

I have the honour to transmit a Hebrew Address from a number of Jews in this city, to Her Most Gracious Majesty.

It is an entirely spontaneous production on their part, and signed by the most eminent of the Ashkenazim Rabbis--and a circumstance worthy of note is the fact of its being signed also by Europeans who have Consuls of their own.

I also enclose Translation of a Hebrew Address presented to myself of some weeks earlier date.

In so far as they regard myself the expressions of these documents are gratifying to my feelings as forming a testimonial to my sincere zeal exerted on behalf of the petitioners.

But I feel sure that in Her Majesty's Service there are many persons to be found quite as well intentioned as myself, for the protection of that oppressed people.

(Enclosure 1 to No. 225)

F.O.78/1692

TRANSLATION

May Mercy and Truth preserve the King and may his Throne be founded in Mercy.

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Honour to the Kingdom of the Queen of Britain the Compassionate.

May increase of grace in righteousness and truth establish the throne.

May Her good name endure as the sun - *Victoria*, be her glory exalted, and her kingdom lifted up.

We Thy servants - trusting under the shadow of Thy wings - behold we bow down from afar, at the foot of Thy Throne, and we ask permission to cast our supplication before Thee, O merciful Queen.

But before we present our petition, behold we are bound to present the thanks of our hearts to Thee, O merciful Queen, for all Thy goodness and mercy unto Thy servants the dwellers in the Holy Land - for that trusting under the shadow of Thy wings we enjoy security and rest in this land - For this cause day by day do we offer prayers for Thy peace and the peace of Thy House and for the peace of Thy kingdom. - And we do ever praise Thee, and will keep in remembrance thy name O merciful Queen, with blessings.

And now this is our Petition wherewith we fall at the foot of thy Throne this day.

For it has been told unto us, that the Consul Mr. James Finn, the representative of Thy Kingdom here, that behold he is intended to serve the government, to be Consul in another place.

For this our soul is grieved, and the heart of Thy servants fainteth.

We remember all the goodness which this Consul hath done unto Thy Servants.

And now in the going away of this Consul from here, and until the coming Consul shall subdue the men of this land, we fear for our lives, lest the inhabitants should swallow us up with wrongdoing.

Therefore do we cast this our Petition before Thy throne, O merciful Queen, that Thou wouldst magnify Thy mercy unto Thy servants with mercy as heretofore until now.

We Thy servants, trust that Thou wilt pardon us, for that it came into their hearts to seek from Thy face this petition - and that Thou wilt accept our supplication, and our request with favour. These are the words of those who have sealed This eighteenth day of the month of Cislew in the year from the Creation of the World Five Thousand Six Hundred and Twenty Three.

Here in the City of Jerusalem

May she be built up.

(Enclosure 2 to No. 225)

F.O.78/1692

TRANSLATION OF THE MARGINAL PETITION BY JEWS  
NOT BRITISH SUBJECTS

- - - - -

We also bow before the verge of the Footstool of the honour of the merciful, the glorious Queen the Queen of Britain - Be her dominion exalted and lifted up for ever.

Behold, after prostration, we supplicate the face of the glorious Queen, on account of the Consul Mr. James Finn, the representative here of Thy Kingdom: that he may be left in his office, to have pity upon the remnant of Israel as usual.

And for the sake of truth we have sealed our names, because we have seen the goodness that he has done to the remnant of the poor of the children of Israel, although we are Foreign Subjects.

[Here follow the signatures.]

THE PERUSHIM PRAISE QUEEN VICTORIA

No. 115

JAMES FINN to VISCOUNT PALMERSTON

F.O.78/839(No.8)

Jerusalem, 31 May, 1850

I have the honor to report that among the congratulations made at this Consulate for Her Most Gracious Majesty upon the recent anniversary Her Majesty's Birthday, there was an Address in Hebrew Poetry presented by the Russian Jews who have been lately taken under British Protection.

It was beautifully written on vellum, and of part of it, I have the honor to enclose a Translation.

(Enclosure to No. 115)

F.O.78/839

From the Perushim Community dwelling in Jerusalem.

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A Song to Her Majesty, the Mistress of Kingdoms Queen Victoria, God bless her, Queen of England, upon her Birthday, the 13th of Sivan AM. 5610.

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(After a dissertation of Government in general, and its origin with special praises of Her Majesty.)

Pour, O Lord the dew of Thy blessing on her fruit that it may blossom and prosper and by her good works be illustrious throughout the earth.

She has spread her wings over the holy flock and over Jerusalem, placing strong pillars in the cities [even Consuls] men of pity, ready to do justice pure in heart, holding the truth, and protectors of those who arrive here for the honor of God's name, and to explore His land.

O God of Host, exalt her Royal throne and stablish it, - that her enemies may fall and never rise again - and may the Sceptre of her Kingdom be exalted above all Kings, to rule in righteousness and truth.

May Kings be born of her, and be illustrious over the face of the world, with life and length of days for ever and ever.

Grant them a nail fastened in a sure place that shall not fail - may their lot be everlasting, with life and peace.

O Thou King, high and mighty, the first and the last, reveal Thy Kingdom, that every knee may bow to Thee and that every [sic] who blesseth himself may bless himself in God. -

Amen and Amen.

- - - -

The prayer of the humble among the flock the Ashkenazim Jews, who are now under the wings of mercy in English Protection, within the Lord's inheritance even Jerusalem. -  
The Lord build it speedily. Amen.

**THE ASHKENAZI PETITION AGAINST THE INHERITANCE TAKKANAH**

(Enclosure 1 to No. 99)

F.O.78/803

Translation of a Letter from the Chief  
Rabbi of Jerusalem to H.E.Ad'ham Pasha

A petition to Your Government from the Slaves of the Royal Sublime Porte: the Jews dwelling in Jerusalem shadowed by the shadow of the Royal justice.

Of ancient times the current custom is that if any one of the Jewish people dies in either Jerusalem, Jaffa, Hebron, Nablus, Tiberias or Safed, whether man or woman, and leaves any property, it shall be ascertained by the Chief Rabbi of the Community, and the old men and the speakers, if such a one has an heir, and his property shall be delivered to the heirs, and out of it shall be deducted certain customs for the Wâkif [Charitable funds.] -

It is a thing well known to individuals and to the public that the Wâkif of your slaves has many expenditures to make, and what it spends it spends justly--and that in this Community, there are the poor and destitute, women, widows, and old women, all these have to be sustained from the said Wâkif; their food, their clothing, the hiring of their houses, their marriages, and their burial--and this common custom is of ancient times--and all according to the Royal Sublime Command, ancient and modern, and no one dares to do the contrary--but because yesterday a Jewess died who is under English protection, the Consul of the said Government seized the whole of her property and wished to give the Wâkif something very deficient, but according to the property left by the deceased, the Wâkif is worthy of a good deal, but finding the offer very deficient we did not accept it - but as we find the interference of the said Consul in the property of the dead Jew[es]s out of place, and contrary to our religion, and the Commands of the Sublime Porte that are in our hands, and to the current canons which agree with the same of ancient time - it was necessary to draw up this Petition, imploring you that Your order should go forth to the said Consul, that he may see and investigate into the property of the deceased, and give up to the Wâkif its Custom, in order to execute the Commands of the Sublime Porte and the Canons of Jerusalem, as we are well assured of the justice of your government, and that you would not overlook so as to do contrary to the Commands and Canons, and to do what is not customary.

And the Command is Your Command -

Seal of

the Chief  
Rabbi of  
Jerusalem



**PETITION OF THE ASHKENAZI RABBIS, ASKING FOR CONSUL FINN'S  
INTERVENTION IN THEIR QUEST TO BE RECOGNIZED AS JEWS**

(Enclosure to No. 217)  
F.O.195/727

Honneur, Respect et Salut  
Gloire et  
Prosperité  
pour  
notre très - respectable et vénérable Monsieur -  
  
MONSIEUR LE CONSUL BRITANNIQUE A JERUSALEM  
JAMES FINN.

En conscience de notre juste et ferme conviction sur la sublime et noble Autorité britannique répendue sur presque tout le Globe, - sur la dignité de ses lois gouvernementales et la force protectrice représentées à l'étranger par ses Diplomathes et Agents-consulaires Anglais. - Vu le crédit et la bonne intelligence qui régnent entre l'Angleterre et la S. Porte: - Vu ces sages dispositions de tolérance, de droit de l'homme et de la liberté propriétaire établies, en faveur de toute nationalité, - par la bienveillante et glorieuse intervention du Consulat Anglais à Jérusalem et de ses Agents-Consulaires en toute le Palestine.

Nous soussignés Rabbins - en Chef de la Communauté Israélite Askenasie - euroéene, seul gardiens de la loi et conservateurs des principes et du bien - être national, - nous aussi, prenons la respectueuse liberté, - ayant la douce confiance en la Charité commune et la miséricorde particulière dont la sagesse de votre consulat trouve toujours moyen d'assistance et de haute protection à tout un peuple opprimé et persécuté - d'accourir, dans notre embarras moral et affliction temporelle à Votre bienveillante et digne intervention dans nos difficultés actuelles, O, très-respectable et très-vénérable Monsieur le Consul.

Tout notre peuple askenasie en entier, dès notre établissement, depuis des siècles réculés, en Palestine, nous n'en sommes regardés, aux yeux de ces Mahéméthans sujets turcs, que comme une race étrengère illégitime, profane ou impie et dégénérée en abominant: Comme si nous, nos femmes et enfants n'etions point Israélites; ils nous tiennent ainsi pour exclusifs de bon Dieu et des mondes - disant, que tous moeurs et usages ne soient que dégradés et impies; et par cette folle d'opinion, ils ne veulent point manger de notre viande de bétail tué des mains de nos bouchers askenasims; et toute viande tueé par un des Notres,

ils la tiennent pour impie et n'osent même la toucher de la main. Et c'est ainsi la seule cause que tout bétail dns Jérusalem ne doit être tué que par les Juifs Sephardims sujets turcs: C'est comme si eux seuls soient nommés Juifs et que seuls ils tiennent de la religion Juive, et point nous autres Européens - Et, c'est ainsi la Cause unique de notre grande peine, et de l'énorme Sacrifice et de pertes qu' éprouvent nos pauvres Européens. Plus de deux-milles Ames sont vexées et pileés, et souffrant une perte annuelle en plus de vingt-milles Piastres: par la difficulté des Turcs et de la boucherie des Séphardims, - parce que, les Chefs Sephardims vendent tous les ans, à leur bénéfice, la surtaxe (Gabela) de la viande à leurs Confrères pour une somme de quarante-milles Piastres; et ils n'en donnent rien à notre Communauté européenne, - nous disant, Vous n'avez rien à profiter de ce que nous profitons de nos Turcs! - Et cela est bien entendu, que plus que la moitié de ce bénéfice leur apporte l'Achat de notre Communauté Askenasie! - Mais ce qu' il y a de pire perte: c'est que ces Sephardims, Acheturs de la (Gabela) font continuellement hausser le prix de cette viande que chacun des Nôtre doit arracher humblement et très-péniblement de leurs mains forcenées - Et nous n'osons pas même leur disputer ce mauvais traitement; puisque, eux aussi nous regarde comme un peuple àtrenger, illégitime et des Gens intollérées dans le Pays - Ils nous disent, ce n'est point votre affaire, - ce ne sont pas vos gens que nous aient vendu (le Gabela) de la boucherie! - puisqu' ils voient qui nous soyons forcés à nous attendre à leur viande: n'ayant point d'autre viande -

Il nous fut arrivé, en 1853, d'avoir risqué à nous établis à part notre boucherie - Askenasims, ayant arrêté les troupeaux chez les Turcs, et faisant les tuer des mains de nos bouchers - Askenasims; mais, nous fûmes forcés à perdre toute la viande indisponible à nous, en la jetant au dehors de la ville: puisques les Turcs crierent: "l'abominable et l'impie," à notre viande tueé par nos frères les bouchers; ils nous eurent même défendu d'enfoncer dans le sal ces poteaux sur lesquels il faut écorcher les moutons, et ils s'en étaient gardés même de toucher de leurs mains à notre viande. Enfin, dans trois mois, nous eûmes alors perdu plus de 30000 Ptr:, abandonnant sitôt l'établissement de notre boucherie - En vérité, c'est une circonstance inouïe et bizarre que celle qui soit tolérée à nos Turcs de Jérusalem - Car, dans toutes les ville de l'empire, même à Constantinople: nos frères européens ont la libre pratique de tuer euxmemes la bétail, et les Turcs mangent toute cette viande indisponible au Juifs - Ainsi, jusqu' au quand? Ce malheur pesera-t-il à nous autres pauvres Israélites? Au centre d'une Ste Jérusalem!

Maintenant: nos regards attristés avec nos coeurs affligés de tousnos frères, femmes et infants Askenasims sont fixés vers la bienveillant Assistance et la force protectrice du

Gouvernement britannique: - Ayant la Gloire absolue à lui-même, et sa dignité particulieré de surveiller à tant de Nationalités, et la belle disposition de delivrer l'opressé d'entre les mains de l'opresseur et de sauver les faibles et les innocents! - C'est donc uniquement vers la Puissance Majestueuse britannique que nous veuillons bien accourir, en la suppliant de vouloir daigner à surveiller à notre faible existence, par sa haute sagesse, sa vigilance charitable et sa misericorde magnanime: - afin, pour s'intéresser à notre bienêtre national: pour nous obtenir ainsi, par Ordre de la S. Porte et du Gouvernement local, cette généreuse Permission pour la libre pratique à la Boucherie: afin que, cette viande sortant de la boucherie, et tueé des mains de nos frères les bouchers Askenasims, nous sera livrée ar même prix qu' aux Sephardims, et dans le même traité qu' ils ont établi avec les Turcs de la boucherie: et afin que les Turcs abandonnent toute Idée de leur mauvaise Opinion sur l'impie, et qu'ils acceptent notre viande indisponible, de même qu'ils soient accoutumés à en accepter celle qui sortent d'entre les mains des bouchers Sephardims!

Premièrement et nécessairement: nous mettons toute notre Confiance en la bonté, la loyauté et la noble Charité de notre Révérend Monsieur Finn-James: ce respectable et notable Administrateur: représentant son Consulat Anglais, avec aussi bien de modération que d'honneur et de sage disposition, près-le Gouvernement local! - Tante que Votre bonté naturelle s'est toujours intéressé à l'état de notre existence dans notre mauvaise fortune: autant votre Loyauté prendra-t-elle du plaisir, en nous voyant dans e'état de notre prospérité.

En foi de quoi, nous avons l'honneur de signer, dans la plus profonde soumission: vos très-humbles Serviteurs.

Les Rabbins en chef des Communautés Israélites askenasims européens faite à Jérusalem ce 4: Tiar 5622:

[Signatures in the vernacular: with 3 seals.]

[A translation in Hebrew appears on the back of this document.]

THE BRITISH CONSUL'S APPEAL FOR THE RECOGNITION  
OF THE ASHKENAZIM AS JEWS

No. 217

JAMES FINN to SIR H. L. BULWER

F.O.195/727 (No.4, in 3rd part)

*Jerusalem, May 22, 1862*

I have the honour to transmit to Your Excellency a Duplicate of a Petition addressed to me by the Ashkenazim Jews of Jerusalem, that is to say the Jews of Germany, Russia, Poland, the Turkish Principalities and some from England.

The majority of European Jews are of this denomination, and in every large city they have their synagogues, their Rabbis, and their Jewish dialect of speech distinct from those of the other Jews: who are known as the Sephardim, or Spanish and Portuguese Jews.

In this city they amount to three thousand souls: but only within the last forty years have their numbers been in any way considerable.

They are now formed into separate congregations, as German, Polish, &c., assembling each in its own place of worship: and two of these Ashkenazim congregations have commenced building handsome new synagogues - one of them by means of a firman obtained by me through Lord Stratford de Redcliffe.

The older Colony of Jews in Jerusalem are the Sephardim of Spanish origin, and are nearly all of them Turkish subjects. - From among these is always chosen the Chief Rabbi, as the Jewish Representative to the Turkish Government.

The immediate object in the present Petition is the removal of a very serious grievance.

By Jewish law it is prohibited to use every part of the animals slaughtered for human food - but as by the same laws only the very most healthy animals may be eaten; the Moslems are always willing to buy those portions of them not taken by the Jews - and for this purpose the Sephardim are in possession of ancient Firmans - having these they have established a monopoly for the exclusive sale of Jewish meat, which is always farmed by one of their people. - and the Moslems are told that the Ashkenazim are not Israelites - the corrupt Effendis of the Mejlis are also persuaded and bribed into the same belief.

The Heads of the Spanish Jews realize a sum, as I am informed, of not less than forty thousand piastres annually, by disposing to one of their own community, of this license

to sell Jewish meat - and the Ashkenazim complain that most of this sum comes out of their pockets, they being the largest consumers - while on the other hand, the meat of the best quality is given to the Spanish buyers.

Above all - Jewish meat is sold by the monopolists at an exorbitantly high rate, whereby the poor are very seriously injured.

In the year 1853 an attempt was made by the Ashkenazim to slaughter their own food, by their own authorized Rabbis - but as the Moslems refused to purchase the remaining parts of each animal - (even the Mejlis refused when called on, to give a declaration that the Ashkenazim are really Jews) - it was found necessary to throw away the latter upon the dunghills, and such a ruinous waste of money could not be continued.

It is to provide a remedy against this conduct of the Sephardim Jews, and the consequent suffering of the poor of the Ashkenazim, that the latter make this application, which I now forward to Your Excellency.

It is important to observe that in Constantinople, as well as in other large cities of the Turkish Empire, and in all other countries, the Ashkenazim equally with the Sephardim, are entitled to slaughter their own animal food, under the common name of Israelites.

Two other points are worthy of note upon this subject.

1. That in the firman above referred to for the new Synagogue and forwarded to me by Her Majesty's Embassy on the 4th of July, 1855, [Cannot be found] the recipients of it, being Ashkenazim are designated as Jews.

2. That many of the Ashkenazim in Jerusalem are Turkish Subjects being natives of the Danubian principalities. - but it hardly seems convenient to ask for the redress now sought for, upon that ground, since the majority of the Ashkenazim here are, and probably always will be, Europeans.

The petition is that the Ashkenazim as a large and very influential section of the Israelitish people, be acknowledged as Jews, no less than the rest, so as to have their slaughtering known and accepted as Jewish slaughtering, just as it is in the capital and elsewhere.

[Departmental Note on back.]

The case seems to me a very simple one - a certain class of persons buy meat and sell the parts they don't use, as they have a right to do; and they find customers - Another set of people try to do the same thing; the people would not buy their meat; I do not make out from your account that the Govt. interfered to prevent their selling it, the public from one cause or other didn't like it; on such a ground as this we can't interfere; but if you can show me that these people are really Jews, and that the Govt. refuses them anything beyond the rights and privileges granted to the Jews, I will interfere so far as to request the Porte to treat any particular class, to give them the privileges usually accorded to their nation.

H.L.B

