

HAKAM ZEBI AS CHIEF RABBI OF THE ASHKENAZIC  
KEHILLAH OF AMSTERDAM (1710-1714)

BY

JUDITH BLEICH

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SPONSOR:

*Approved Irving A. Agus*  
PROFESSOR IRVING A. AGUS

## INTRODUCTION

At the beginning of the eighteenth century, the Ashkenazic community in Amsterdam was reaching the peak of its development. For the short span of four years from 1710 to 1714, Zebi Ashkenazi, known to posterity as Hakam Zebi, stood at the head of this kehillah. Latter-day chroniclers of the community's history refer to him as "the greatest Jewish scholar which The Netherlands ever saw . . . the most renowned of all chief rabbis of the community . . . an unusual personality" and they declare with pride that "his chief rabbinate brought Amsterdam great fame in the entire Jewish world."<sup>1</sup> It is ironic that, in truth, during this brief period, Hakam Zebi's rabbinate was beset by dissension and trouble, the tension and discord culminating in a fierce polemic and his subsequent flight from Amsterdam.

The alleged Shabbethaianism of Nehemiah Hayyun and the seemingly heretical views expounded by him were the main issues of this controversy which involved Hakam Zebi, the rabbi of the Ashkenazic community and Solomon Ayllion,

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<sup>1</sup>Jac Zwarts, Hoofdstukken uit de Geschiedenis der Joden in Nederland (Zutphen, 1929), pp. 160-161.

hakam of the Sephardic kehillah, in a bitter feud. The dispute over Hayyun was not confined to the local congregations of Amsterdam; echoes of the arguments reverberated throughout the Jewish communities of Europe and the Orient. It was one of the last major conflicts with Shabbethaianism and brought to the forefront the philosophical and theological disputes over which Jewry at the time became splintered into opposing factions.

Examination of the roles played by the principal instigators of the quarrel in Amsterdam--Zebi Ashkenazi, Solomon Ayllion, Nehemiah Hayyun, Moses Hagiz and Aaron de Pinto--discloses many personal and social factors that entered into the deliberations and as a result of which the difficulties in Amsterdam were intensified. To understand the particular problems faced by Hakam Zebi, it is necessary to investigate his relationship with his congregation prior to the disagreement with the Sephardim over Hayyun.

Information concerning the period of Hakam Zebi's tenure as chief rabbi is limited. On the basis of isolated documents and brief entries in the congregational minutes David Moses Sluys, former secretary of the High-German Congregation of Amsterdam, authored a short study of the altercations within the Ashkenazic kehillah during Hakam Zebi's incumbency. On account of the many gaps in the records and the absence of sufficient factual material,

Sluys' reconstruction of the events is based in large part on conjecture.<sup>2</sup> Nonetheless, his article, Beelden uit het leven der Hoogduitsch-Joodsche Gemeente te Amsterdam in het begin der 18e eeuw, offers the most explicit survey to date of Hakam Zebi's relationship with the Ashkenazic authorities and contains important data culled from the synagogue archives.<sup>4</sup>

In the Megillat Sefer, Hakam Zebi's son, Jacob Emden, presents a one-sided account of his father's tenure in Amsterdam. Emden admits that with the passage of time many of the events he chronicles have become hazy in his memory.<sup>3</sup> Indeed, several articles have been written to show inaccuracies in Emden's presentation.<sup>4</sup> However, the Megillat Sefer remains a significant source for the period since Emden's report touches on the focal points of contention in Amsterdam and his comments and analyses are often revealing.

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<sup>2</sup>Cf. Sluys' own comments, "De Protocollen der Hoogduitsch-Joodsche Gemeente te Amsterdam," Bijdragen en Mededeelingen van het Genootschap voor de Joodsche Wetenschap in Nederland, IV (1928), 127.

<sup>3</sup>Jacob Emden, Megillat Sefer, ed. David Kahana (Warsaw, 1896), p. 54.

<sup>4</sup>Vide, e.g., J. M. Hillesum, "Tsewie Hirsch Ashkenasie (Chacham Tsewie)," Centraal Blad voor Israeliten in Nederland, November 21, 1924, p. 11; David Kaufmann, Review of Megillat Sefer by Jacob Emden, ed. D. Kahana, Monatsschrift für Geschichte und Wissenschaft des Judenthums, XLI (1897), 333-336.

The disagreements over Nehemiah Hayyun occasioned a vast literature consisting of correspondence, pamphlets and polemical works. Many of these were published at the time by the rival parties. In recent years many of the pertinent letters and documents have been printed with critical notes. There are a number of documents which are still only available in manuscript form. Some of these hitherto unpublished documents are slated to appear in a forthcoming issue of Sefunot.<sup>5</sup> Much has been written regarding the different aspects of the Hayyun quarrel in Amsterdam. However, all these newly available sources will have to be examined meticulously before a definitive study can be undertaken.

His term of office as rabbi of the Ashkenazic congregation marks a crucial period in the life history of Hakam Zebi. Our purpose in this dissertation is to chart the course of Hakam Zebi's ministry in Amsterdam, to assess his accomplishments during this period and to analyze the causes of communal strife which resulted in his untimely departure from the city. Study of these years throws light on the very interesting interrelationship of Sephardim and Ashkenazim in Amsterdam, on the social and political structure of this influential kehillah and on an important chapter in the Shabbethaian dispute.

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<sup>5</sup>Meir Benayahu, ed., Sefunot, letter to the writer, December 13, 1964.

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## CHAPTER I

### EARLY LIFE OF HAKAM ZEBI

#### A. Youth

Rabbi Zebi Hirsch Ashkenazi, known to posterity as Hakam Zebi, was heir to an illustrious tradition of eminent scholarship on both sides of his family. This heritage was personified in both his father, Jacob ben Benjamin Ze'eb,<sup>1</sup> and his maternal grandfather, Ephraim ha-Cohen, who as his first teachers and mentors exercised a profound influence on the course of his life.

The antecedents of the family stemmed from the outstanding citadel of Talmudic study--Vilna. It was here that Rabbi Ephraim ben Jacob Cohen at the age of 20 became an official of the Rabbinical Court of Rabbi Moses Lima, the Helkat Mehokek, in the year 1636, a position which he occupied until the fateful events of 20 years later. During this time he began to achieve widespread acclaim for his erudition and halakic decisions. To one of the young scholars

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<sup>1</sup>The name Ze'eb is omitted by Jacob Emden, Megillat Sefer, ed. David Kahana (Warsaw, 1896), p. 3. It is, however, included by Zebi Ashkenazi both in his responsa, Sheelot u'Teshubot Hakam Zebi (Amsterdam, 1712) in the introduction and in his annotations to the first edition of the commentary Ture Zahab. Zebi Hirsch Ashkenazi ed., Ture Zahab on Hoshen Mishpat, by David Segal (Altona, 1692), p. 976. Cf. Hayyim Abraham Wagenaar, Toledot Yaabez (Amsterdam, 1868), p. 50, n. 7.

Jacob ben Benjamin Ze'eb, distinguished by excellence both in character and learning, he gave his daughter Nehamah in marriage. Then beginning in the year 1648 and continuing for a full decade there occurred Cossack massacres that devastated the greater part of Poland and Lithuania. Lithuania was occupied also by the Russians and Swedes and the slaughter was appalling. When disaster struck the capital city of Vilna on August 7, 1655, the family of Rabbi Ephraim and his son-in-law were amongst those who fled from the onslaught of the Muscovite and Cossack troops.<sup>2</sup>

In the confusion Rabbi Jacob became separated from the rest of the family and was seized by attackers who threatened him at sword's point. At the last moment they were prompted by merciful instincts and spared his life. In mortal fear Rabbi Jacob hid for a week among the slain, foraging in the fields at night in search of vegetables. Witnesses of his capture assured Rabbi Ephraim that his son-in-law had been murdered and on the strength of their testimony, Rabbi Heschel of Cracow--a Gaon of legendary fame--granted the presumed widow permission to remarry. She, however, would not be comforted and fortunately refused all offers for her hand. For six months later, Rabbi Jacob

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<sup>2</sup>Samuel Joseph Fuenn, Kiryah Ne'emanah (Vilna, 1860), p. 73.



made his way to the community of Trebitsch, where Rabbi Ephraim had been appointed chief rabbi, and was happily reunited with his family.<sup>3</sup>

Owing to unstable military conditions Rabbi Ephraim ha-Cohen fled to Prague where he taught and lectured widely, thence to Vienna, and from here in 1666 he moved to the city of Ofen--also known as Budin and now incorporated in the city of Budapest as the third district--to accept a call to the rabbinate of this noteworthy Jewish community.<sup>4</sup> Rabbi Jacob's career, at least in terms of positions held, was patterned closely on that of his father-in-law. In the interim having served as rabbi of Trebitsch and occupied a similar position at Ungarish Brod, he then followed Rabbi Ephraim to Ofen.<sup>5</sup>

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<sup>3</sup>Megillat Sefer, p. 7. At the conclusion of his account Emden adds that subsequent to giving this decision which very nearly had disastrous consequences, Rabbi Heschel refrained from granting permission to remarry to the 'agunot whose numbers were swelled in those days of turmoil. Jehiel Mattathiah Zunz, Ir ha-Zedek (Lemberg, 1874), p. 111, takes issue with this report, noting a decision of R. Heschel with regard to an 'agunah dated in the year "ה" (1649-50) "one year after this." However, if we accept the date of the riots in Vilna as the year 1655 (vide Fuenn, p. 15 and the note of Mattathiah Straschun, ibid., p. 302) then the date of this decision would not be in conflict with Emden's remarks.

<sup>4</sup>Judah Leib ha-Cohen, ed., She'elot u'Teshubot Sha'ar Efrayim by Ephraim ha-Cohen (Sulzbach, 1688), Introduction.

<sup>5</sup>Megillat Sefer, p. 5: והגאון יעקב אבי אבא עם כל בני בחו נחישכו גם כן במעוררין. מתחלה היה לאב"ד כטריכש ולן צדק בכית הקצין המפורסם בשם ריין קויפמאן ע"ה וגם למד אצלו בנו של העשיר הלז והי' אח"כ אב"ד בק"ק ברודא ואח"ז נחקל שוב לאב"ד בק"ק אוכין בהיותה עדיין עומדת על חלה... ושמעו הולך בכל ארץ טורקייא.

In the year 1658, during the family's sojourn in Moravia--in Trebitsch or Ungarish Brod--there was born to Rabbi Jacob a son Zebi Hirsch who was to be the pride of his family and his people.<sup>6</sup> Revered by Sephardim and

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Kahana in his note, ibid., p. 6, n. 1, has taken this passage as a reference to Ephraim ha-Cohen. David Kaufmann, too, states that in Trebitsch Rabbi Ephraim lodged at the home of the rich and influential Reich-Kaufmann and taught his son. "Isak Schulhof, der Zeuge und Geschichtsschreiber der Erstürmung Ofens," Gesammelte Schriften (Frankfort-am-Main, 1911), p. 300. The text of the Megillat Sefer, however, seems to be a direct reference to Rabbi Jacob and not to his father-in-law. As such it is included by Fuenn, p. 85, in his short sketch on R. Jacob's life. In the account of Ephraim ha-Cohen's life included in the introduction to the She'ar Efrayim we have no reference to him as rabbi of Ungarish Brod.

<sup>6</sup>There has been some controversy as to the exact year of birth and city of birth of Zebi Ashkenazi. In their brief sketches the early biographers Zipfer, "Nothwendige Hinzufügungen," Orient, VII (1846), 597-99, and J. A. Frankel, "Biographische Skizzen, Hirsch ben Jakob Aschkenasie," ibid., 757-61, who only had access to limited material, did recognize that the signature מארץ אשכנזי מארץ אשכנזי need not necessarily signify that Ashkenazi was a native of Ofen. But they were mistaken in their surmise that he was born in Vilna. Subsequently David Kahana published the MS. of Emden's autobiography, Megillat Sefer, the first part of which contains a lengthy account of the vicissitudes of the life of his father, Hakam Zebi, and forms one of the most significant sources for this period. In this chronicle (p. 7) Emden specifies only that his father was born after Jacob ZaK's escape] עודם בארץ מער"י. From the introduction to the She'ar Efrayim we know that Ephraim ha-Cohen remained in Trebitsch for six years. If Rabbi Jacob and his father-in-law were in that city concurrently then the child Zebi was born there during this period. However, the sources are unclear as to Rabbi Jacob's tenure of office and the duration of his sojourn in both Trebitsch and Ungarish Brod and the exact birthplace of Hakam Zebi has not been determined.

In his eulogy on his father, Emden states that Hakam Zebi was 58 years old when he died. Yezib Pitsam (Kolomea, 1886), p. 10a. Following this, 1660 has frequently been given as the year of Ashkenazi's birth. Waganaar, p. 1; David Kahana, Toldot ha-Mekubbalim ha-Shabbethaim weha-Hasidim (Tel Aviv, 1926), p. 130, n. 4; M. Zobel, "Zebi Hirsch ben

Ashkenazim alike, honored as a leader of dynamism and courage,

Jakob ben Benjamin Zeeb Ashkenasie, "Encyclopedia Judaica, III (1929), 484; Joshua Horowitz, "Zebi Hirsch ben Ya'akov Ashkenazi," Encyclopedia ha-Ivrit, VII (1954), 418. The Dutch scholar, M. Roest, "Biografische en literair-historische bijdragen," Joodsch-Letterkundige Bijdragen (1867), p. 7, came upon a variant date which is apparently the correct one. The library of S. J. Loewenstamm, great-grandson of Hakam Zebi, contained a volume in which several works were bound together, many of them having glosses written by Zebi Ashkenazi and Jacob Emden. In one of these works - the Sefer ha-Bahur - Roest found the following remarks:

יום ו' כבוקר שני דר"ח אלול ח"י לפרט ולסדר צדק, תרדף למען חחי  
 נולד בני צדק באמונתו חחי הנקרא בשמו צבי שי' לאי"ט השם יזכני  
 לגדלו לתורה לחופה ולמע"ט על עבודת הכורא יתברך שמו ויתעלה  
 זכרו לעד ול'.

The proximity of the above date to the year deduced from Yezib Pitgam, its inclusion in a collection of books annotated by Hakam Zebi and his son and the presence in the same volume of another note in similar calligraphy, signed

נאום יעקב מגולה וויילנא

all indicate the likelihood that the Zebi mentioned is Zebi Ashkenazi and that the inscription is in the handwriting of Jacob ben Benjamin Ze'eb himself. On the basis of this finding the birth date of Hakam Zebi is taken to be I Elul, 5418 (1658), giving him a life-span of 59 years.

In a critical response to Roest's article Wagenaar, "Ts'bi Hirsch ben Jacob Ashhk'nazi," Letterkundige Bijdragen (1867), pp. 11-13, points to the omission of the name "Hirsch." He interprets the inscription as a reference to another son, also named Zebi who was born in 1658 and passed away before the birth of Zebi Hirsch Ashkenazi (Hakam Zebi) in 1660. In his Toledot Ya'abez published in the following year, 1868, Wagenaar gives 1660 as the date of Ashkenazi's birth. In a note (p. 50, n. 21\*) he comments on Roest's findings, ואם קבלה היא נקבל, כי זאת נגד דברי רבינו [יעקב עמדין] בספרו

Of his own very dubious theory he makes no mention here. One might add that the Yiddish name "Hirsch" is omitted frequently in documents pertaining to Hakam Zebi. The practice of giving two brothers the same Hebrew name is not customary. Cf. Judah ha-Hasid, Sefer ha-Hasidim, ed. Reuben Margolis (Jerusalem, 1960) p. 30.

he was destined to be the outstanding Torah authority of his generation.

### 1. Education and Sephardic Influences

Zebi Hirsch began his studies under the tutelage of his father,<sup>7</sup> an instructor singularly suited to transmit the method and dialectic of Talmudic learning. Through him the young boy, though separated by distance from the mainstream of Jewish culture was yet introduced to the unique scholastic traditions of the Polish and Lithuanian Talmud masters. For Rabbi Jacob's father, Benjamin Ze'eb ZaK had been numbered among the Sages of Vilna whose reputation for profound scholarship was unparalleled.<sup>8</sup> He had been an outstanding student of Jacob of Lublin<sup>9</sup> and had subsequently married his daughter.<sup>10</sup> Of the phenomenal memory of Rabbi Jacob ZaK

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<sup>7</sup>Megillat Sefer, p. 7.

<sup>8</sup>For a description of Vilna at the time vide the tribute of Emden, ibid., p. 5, and cf. Fuenn, pp. 71-88.

<sup>9</sup>Both Jacob of Lublin and his son Joshua Heschel of Cracow were renowned as the teachers par excellence of their entire generation. Vide J. M. Zunz, pp. 104-114; Hayyim Nathan Dembitzer, Kelilat Yofi, II (Cracow, 1893), 39-65.

<sup>10</sup>Megillat Sefer, p. 3. Emden's use of the ambiguous expression "אביו זקני הו"ל" has led to various interpretations. Wagenaar, Toldot, p. 50, n. 12, takes the text as a reference to Rabbi Jacob ZaK and considers Nehamah, daughter of Ephraim ha-Cohen, to have been Jacob ZaK's second wife. This interpretation is also followed by Dembitzer, I (Cracow, 1888), 91b, who describes the father of Hakam Zebi as being a student of Jacob of Lublin. On account of the discrepancies in chronology that arise from the above viewpoint, Fuenn, p. 88, has attributed the information in Megillat Sefer as a reference to Benjamin Ze'eb, the grandfather of Hakam Zebi. This

himself, his disciple David Oppenheim, later chief rabbi of Prague and subsequently of all of Bohemia, was wont to relate wonders. Certainly from the time that he succeeded his father-in-law as rabbi of Ofen (1678-1686) and founded a Talmudical Academy in that town, Rabbi Jacob enjoyed widespread recognition, his fame extending to Turkey and the Holy Land.<sup>11</sup>

From Rabbi Ephraim ha-Cohen to whom he refers always מורי זקני החסיד שככהו "my grandfather, my teacher, most pious of priests," Ashkenazi also received instruction and guidance.<sup>12</sup> The relationship fostered a closeness that was in itself an education. Judah Leib, Ephraim ha-Cohen's young son, relates that he, too, studied under his father together with Zebi Hirsch, "the son of my sister, my contemporary. . . . We grew up upon his knees."<sup>13</sup> In his responsa (no. 65)

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interpretation seems to be in line with the events and is followed by Kahana, Megillat Sefer, p. 3, n. 6. Cf. J. M. Zunz, p. 113, n. 55, for his treatment of this matter and of other discrepancies in Wagenaar's account.

<sup>11</sup>Megillat Sefer, pp. 4-5.

<sup>12</sup>Hakam Zebi, Introduction; ibid., no. 65; Megillat Sefer, p. 7.

<sup>13</sup>Shdar Efrayim, Introduction:

בן אחותי בן גילי ושמי עטרה צבי אכרך אב כחכמה ורך בשנים  
 החכם השלם הדיין המצויין המובהק כמהר"ר צבי נר"ו אכ"ד ור"מ  
 דק"ק שאראי במדינת ישמעאל... על ברכו נהגדלנו ונתקדשנו בקידוש  
 ידים ורגלים גדולה שמושה יותר מלבונה.

Hakam Zebi mentions an instance of a widow in Vienna permitted to remarry before 24 months had elapsed despite the fact that she was the mother of an infant of nursing age and he cites the decision in this particular case as he heard it from his grandfather's lips.<sup>14</sup> But Rabbi Ephraim was to be more than an instructor to his grandson; he was to be a model and example to him in every area. To the rabbinate of Ofen, Rabbi Ephraim brought new glory, developing its latent spiritual reservoirs into a pulsating Jewish community.<sup>15</sup> He turned down an offer to occupy a rabbinical post in Jerusalem, choosing to remain in Ofen in order to prepare his works for publication.<sup>16</sup> Part of these, posthumously published under the title, Sha'ar Efrayim,<sup>17</sup> give ample evidence of his penetrating insight and comprehensive knowledge. Numerous responsa addressed to Torah luminaries

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<sup>14</sup>Hakam Zebi, no. 65: ומעידני עלי שהאון הגדול מורי זקני החסיד שככהונה בעל שער אפרים סיפר לנו...

Cf. Dembitzer, II, 49a, n. 6. Kaufmann, Schriften, II, 304, n. 3, inaccurately refers to "das Kind das sie an der Brust hatte." The basis of the halakic decision was precisely the fact that the mother was not nursing the child.

<sup>15</sup>Kaufmann, ibid., p. 301.

<sup>16</sup>Sha'ar Efrayim, Introduction.

<sup>17</sup>The Sha'ar Efrayim was printed by Rabbi Ephraim's son, Judah Leib, in Sulzbach in the year 1688. Ephraim ha-Cohen's other work, a commentary on the Torah entitled "Mahaneh Efrayim," apparently remained in Ms. Vide Fuenn, p. 74.

in the East and West give witness to the universal regard in which he was held by his contemporaries.<sup>18</sup> Coming from a family that prided itself in an ancestor, Rabbi Elijah Ba'al Shem of Helm, who according to legend mentioned by Hakam Zebi (resp. 93), had by means of kabbalistic incantations created a homunculus (golem), Rabbi Ephraim was no stranger to the hidden lore and its mysteries.<sup>19</sup> He was noted, too, for an extreme piety and asceticism, habitually fasting days on end. This inclination to mysticism did not, however, interfere with his objective scholarship.<sup>20</sup> To the impressions of these years one can trace many of Zebi Ashkenazi's later interests: his knowledge of and familiarity with Kabbalah<sup>21</sup> so important in the quarrel with Nehemiah Hayyun, his masterful competence in the field of halakah and his uncompromising view of the role of a rabbi in the community--an attitude that was to stand out as a leitmotif in his career.

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<sup>18</sup>Vide, e.g., Sha'ar Efrayim, resp. nos. 71 and 102 addressed to Moses Galante; nos. 38, 52 and 79 addressed to Gershon Ashkenazi; nos. 93 and 107 to Eliakim Götz; no. 74 to Moses ben Habib of Jerusalem.

<sup>19</sup>Megillat Sefer, p. 4; Emden, She'elat Ya'abez (Altona, 1759), II, no. 82.

<sup>20</sup>Megillat Sefer, loc. cit.; Sha'ar Efrayim, Introduction.

<sup>21</sup>Megillat Sefer, p. 17; Emden, Yezib Pitgam, pp. 5 and 196; idem., Siddur Bet Ya'akov (Lemberg, 1904), p. 9a. Contemporaries referred to Hakam Zebi as "המקובל האלקי" Vide, e.g., the letters addressed to Ashkenazi by Naphtali Cohen, printed by David Kaufmann, "La Lutte de R. Naftali Cohen contre Hayyoun," REJ, XXXVI, 272-286 and XXXVII, 274-283.

Under the aegis of his father and grandfather Zebi Hirsch applied himself to his studies with diligence and zest, exhibiting unusual promise and capabilities from his earliest youth. As early as 1676 he wrote his first rabbinical responsum which although unpublished has been preserved in Ms.<sup>22</sup> Hakam Zebi may have omitted many of his early responsa from the printed edition of his works on account of their lengthy nature. His son, Jacob Emden, was in possession of these Mss. but had difficulty in deciphering them for they had been transcribed in Sephardic characters.<sup>23</sup> This is not surprising for Zebi Ashkenazi spent his formative years in a Sephardic-oriented environment. The city of Ofen to which he came at the age of eight was the furthestmost outpost of the Turkish Empire in Europe. Although the Sephardic element in the community consisted of a mere 30-odd families and in halakic matters the Ashkenazic tradition prevailed even in civil disputes,<sup>24</sup> the influence of the powerful Sephardic centers in Turkey, in particular that of

<sup>22</sup>Wagenaar, *Toledot*, p. 52, n. 65. The responsum begins: כבודין יע"א, כ"ה זה הפסק הראשון שכתבתי אני יציר לבית לע"א לעקב בחדש ניסן ישע'נו לפ"ק ומי שזכני לעשות זה הפסק הוא שיזכנו פסקים וספרים הרבה עד אין סוף ויפתח לבי בחורתי הרחבה וישם כלכנו אהבתו ויראתו ויתקע חורתי כלכנו, אמן.

<sup>23</sup>*Megillat Sefer*, p. 8. Emden, *ibid.*, pp. 17, 51, notes that sections of the Ms. may have been lost. He received the responsa in a state of disorder for they had passed through several hands before coming into his possession.

<sup>24</sup>*Hakam Zebi*, no. 61.



Salonica, manifested itself in both institutions and customs. In their generous support of Torah communities in Jerusalem, Safed and Salonica, their economic contact with the countries of the East and their personal attitudes as subjects of the Turkish kingdom, one could detect among the Jews of Ofen a definite gravitation towards the Orient.<sup>25</sup> This affinity to the East prompted Rabbi Ephraim to send his cherished grandson Zebi to Salonica in order to continue his education there, to investigate the methods of the Sephardic Talmud masters and to become a full-fledged savant.

Already in his student days Zebi Ashkenazi's relationship with Sephardim was not limited to superficial contacts. In Salonica, Ashkenazi attended the school of Rabbi Elijah Covo, author of the Responsa Adderet Eliyahu<sup>26</sup> and visited several other Sephardic seminaries. He seems to have toured extensively and to have travelled to and from Ofen several times. Little is recorded of his experiences during these years, but his early responsa serve as an itinerary to his travels. Arriving in Adrianople, he met an Ashkenazic rabbi, Rabbi Jacob Striemer to whom resp. 7 of the Teshubot

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<sup>25</sup>Kaufmann, Schriften, II, 300-301.

<sup>26</sup>Meqillat Sefer, p. 8. Elijah Covo died in Salonica in the year 1689. The Adderet Eliyahu consisting of 43 responsa was printed in Constantinople in 1739 together with the responsa of Joseph Handali, under the title of Shene Me'orot ha-Gedolim.

Hakam Zebi is addressed. When Rabbi Ephraim passed away on June 3, 1678, victim of a murderous plague that wrought havoc in the community,<sup>27</sup> Ashkenazi was apparently in Ofen as we see from responsum 141, dated Tammuz of that same year.<sup>28</sup> The following year (1679) Ashkenazi returned once more to the Balkans engaging in scholarly discussions with the hakam of Belgrade Joseph Almosnino, author of the 'Edut bi-Yehosef, with whose opinions he disagreed in a lengthy responsum (no. 41).<sup>29</sup> From Almosnino he may likely

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<sup>27</sup> Sha'ar Efrayim, Introduction.

<sup>28</sup> This point is made by Kaufmann, Schriften, II, 305. From the dates it appears to be a correct conclusion. Other scholars maintain that Hakam Zebi remained in the East, leaving Salonica in 1679, travelling via Belgrade and Constantinople and returning to Ofen in 1680. Cf. Encyclopedia Judaica, III, 484; Solomon A. Rosanes, Korot ha-Yehudim bi-Turkyah we-Artzot ha-Kedem (Sofia, 1934-5), IV, 250.

<sup>29</sup> Reuben Margolis, "Le Toledot Anshe Shem be-Lvov," Sinai, XXXI (1952), 88, notes that a responsum written by Hakam Zebi is included in Almosnino's 'Edut bi-Yehosef, II (Constantinople, 1733). The responsum, No. 29 (erroneously listed by Margolis, loc. cit., as No. 27) concludes:

אם יפק רצון מאדוני הארץ יוסף הוא השליט על הארץ המלך היושב  
על כסא דין הרב המוכתק נר"ו מלפניו יצא דבר למשפט יתום וריב  
אלמנה ואם כה יאמר לא חפצתי לקחתה ושלחתה לנפשה לרוח קדים  
חשאנה ובעיניו יזורנה ובאשר דבר מלך שלטון כך יהי' וכן יקום  
אמרי פי הולעה ולא איש צבי כמוהר"ר יעקב אשכנזי נר"ו.

Hakam Zebi's acquaintanceship with Almosnino likely goes back to the latter's contact with Ephraim ha-Cohen. Almosnino was accused of heresy for explaining Lev. 1:4 as a reference to Amalek and Exod. 3:12 as a reference to the golden calf. Ephraim ha-Cohen of Ofen was approached regarding this matter. Sha'ar Efrayim, no. 64; 'Edut bi-Yehosef, I (1711), no. 32.

have heard the legends regarding the death of Shabbethai Zebi.<sup>30</sup> Responsum 168 regarding an envoy from Hebron whom he met in Belgrade also dates from this period.<sup>31</sup>

Ashkenazi rapidly achieved a reputation as a consummate scholar. Emden reports having seen letters written by Rabbi Ephraim ha-Cohen to Hakam Zebi whilst the latter was yet studying in Salonica in which Rabbi Ephraim addressed his grandson in a manner befitting a mature and venerated scholar.<sup>32</sup> According to Azulai's account, when Ashkenazi made a trip to Constantinople in 1685, the entire community were exceedingly impressed by his keen intellect and astounded to find such encyclopedic knowledge and profound erudition in a comparatively young person.<sup>33</sup> In Constantinople the Sephardim conferred upon Zebi Ashkenazi the title "Hakam" an appellation usually reserved for their own rabbis.<sup>34</sup> Zebi Ashkenazi retained this title throughout his life and is known to us as "the Hakam Zebi." There is

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<sup>30</sup>Infra, p. 20.

<sup>31</sup>The envoy, of whom there is no mention in the responsum, is identified by Rosanes, loc. cit., as Rabbi David ha-Cohen. In Kaufmann, Schriften, II, 305, n. 4, this responsum is inaccurately cited as no. 65.

<sup>32</sup>Megillat Sefer, p. 8.

<sup>33</sup>Hayyim Joseph David Azulai, Shem ha-Gedolim ha-Sholem, annotated by Elazer Gartenhaus (New York, 1958), I, 167.

<sup>34</sup>Solomon Euber, Anshe Shem (Cracow, 1895), p. 187.

only one other recorded instance of an Ashkenazic rabbi having adopted this appellation, namely Hakam Isaac Bernays (1792-1849) rabbi of the Ashkenazic community in Hamburg.<sup>35</sup> It has been asserted that Hakam Zebi received ordination from Rabbi Hayyim Benveniste, author of the Responsa Ba'e Hayye.<sup>36</sup> This is improbable for Benveniste passed away in the year 1673 before Hakam Zebi's known trip to the orient.

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<sup>35</sup>Mirsch Jacob Zimmels, Ashkenazim and Sephardim: Their Relations, Differences, and Problems as Reflected in the Rabbinical Responsa (London, 1958), p. 69. In the case of Hakam Bernays the title did not denote closeness with Sephardim. It may have been used as an epithet depicting Bernays' sagacity and erudition. Eduard Duckesz, Iwwah le-Moshab (Cracow, 1903), p. 110. Possibly it was an appellation used by Bernays--a militant opponent of the Reform movement--to attract followers to whom the title "rabbi" might have an unpleasant connotation. David Ochs, "Reform und Antireform im Deutschen Judentum im XIX. Jahrhundert bis zur Trennung (1876)" (unpublished Ph.D. dissertation, University of Vienna, 1934), p. 78.

<sup>36</sup>In his critical notes appended to Buber's book, Anshe Shem, p. 247, Joseph Loewenstein gives as the source for the ordination of Hakam Zebi a responsum of Rabbi Hayyim Benveniste, included in the She'elot u'Teshubot Ba'e Hayye (Salonica, 1791), I. no. 73. Therein is contained an approbation of a homiletical volume whose author is referred to as an Ashkenazic rabbi,

"חתימה שחמתהי על ספר דרושים שחבר חכם אשכנזי"

and an ordination of that particular rabbi who is named,

"החכם השלם כמה"ר צבי אשכנזי נר"ו"

From the date given "הח"ה" i.e., 1658 it would appear to be impossible that this responsum should refer to Hakam Zebi who was born either that very year or close to it. Moreover, Benveniste himself died in 1673 before the time of Ashkenazi's known trip to the East. In the responsum there is no mention of the precocious nature of the candidate as there would doubtless have been had this ordination been conferred upon a mere youth.

In 1680 Ashkenazi was back in Ofen where his advice was sought in the problem of one Tsarti bat Joseph whose husband had travelled to Adrianople but of whose whereabouts she had no further knowledge. Hakam Zebi showed exceptional penetration and astuteness in freeing her from the bonds of 'iggun.<sup>37</sup> For the next few years Ashkenazi settled in Ofen, marrying the daughter of a prominent member of the community. His father-in-law liberally supplied him with all his material needs and established him as an independently wealthy man. But the peaceful interlude came to an end when Ofen became a battleground. In 1684 imperial troops under Carl von Lothringen besieged the city which was finally seized on September 2, 1686. In this year Hakam Zebi was approached regarding litigation that arose following the death of a woman and child during the siege and his decision on the matter is included in the printed edition of his works.<sup>38</sup> Though Ashkenazi suffered the horror of seeing his wife and only daughter killed by a cannon shot and the loss of all his belongings including his valuable library, he himself escaped from the beleaguered city and fled to Sarajevo where he was appointed rabbi and in which

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<sup>37</sup> Hakam Zebi, no. 95.

<sup>38</sup> Ibid., no. 61.

post he remained until 1689.<sup>39</sup>

## 2. Sarajevo

The locale of Ashkenazi's first essay in the rabbinate was a wealthy and influential community. Although the Sarajevo Jews showed respect and deference to Hakam Zebi as their spiritual leader,<sup>40</sup> contention arose which may have been a factor leading to his resignation. Ashkenazi had decided a law suit against a certain Samuel Almoli. Almoli, who was both affluent and powerful, allied with one Hiyya Hayyun known as ha-Oruk (the Tall One) interfered in the communal government and succeeded in exiling Ashkenazi.<sup>41</sup> Thereupon the elders of the community gathered together on 19 Adar I, 1688 and placed Almoli under the ban. Almoli later relented and the Sarajevo community sought the advice of Rabbi Aharon Perahya Hayyim ha-Cohen in Salonica as to whether it would be permissible for them to release him from the ban. Rabbi Aharon responded that Almoli could be restored to his original status on the condition that he would

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<sup>39</sup>Ibid., Introduction; ויזיאני טרם נלכדה העיר וישלחני אלקים לרעות צאן קדשים בק"ק שאראי הבירה אשר בארץ כוסנייא במדינת ס  
Cf. Megillat Sefer, pp. 8-9. Judah Leib ha-Cohen, also, refers to Ashkenazi as rabbi of Sarajevo. Sha'ar Efrayim, Introduction. The capture of Ofen was an incident of the War of the "Holy League"--Austria, Poland and Venice--against the Turks.

<sup>40</sup>Megillat Sefer, p. 9.

<sup>41</sup>Jacob Emden, Torat ha-Kena'ot (Amsterdam, 1752), p. 276; Nehemiah Hayyun, Ha-Zad Zebi (Amsterdam, 1714), Introduction.

repent and deport himself with proper demeanor thenceforth.<sup>42</sup>  
 In the historic polemic of Hakam Zebi in Amsterdam this incident assumes special importance. We shall see that Ashkenazi mistook Nehemiah Hayyun for this Hiyya ha-Cruk and the confusion engendered affected the course of the quarrel. In the month of Ab or Elul Ashkenazi returned to Sarajevo. When the news arrived that Prince Ludwig of Baden and his attacking forces were approaching Sarajevo Ashkenazi determined to flee once again.<sup>43</sup> His decision was strengthened when he finally received word of the fate of his parents. Rabbi Jacob and his wife, who had been taken as prisoners-of-war by the Prussian mercenaries when Ofen was captured, were ransomed by the Jewish community of Berlin but they did not meet their son again until he had settled in Altona as head of the Yeshiva.<sup>44</sup>

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<sup>42</sup> Rosanes, IV, 251, citing She'lot u'Teshubot Perah Matteh Aharon (Amsterdam, 1703), II, no. 58.

<sup>43</sup> Rosanes, loc. cit., 17.

<sup>44</sup> Following his meeting with his son in Altona, Rabbi Jacob travelled via Poland to the Holy Land. After his wife's demise he married again at the behest of the Jerusalem Sages. His second wife, Judith, was the daughter of Naphtali Cohen, chief rabbi of Frankfort-am-Main. Jacob ZaK died in Jerusalem at the age of 73. Vide the portion of Megillat Sefer printed in Ha-Mehsef (Altona, 1810), p. 89. This information is omitted in Megillat Sefer, ed. Kahana.

### 3. Contact with the Shabbethai Zebi Movement

During his stay in the East, Ashkenazi was an eye-witness to the licentiousness of the followers of Shabbethai Zebi. Doubtless his first fateful contact with them had been in Ofen for that city had been seething with interest in the activities of the pseudo-messiah.<sup>45</sup> The English Consul in Ismir who travelled in 1666 from Constantinople to Ofen wrote:

It was strange to see how the fancy took and how fast the report of Shabbethai and his doctrine flew through all parts where Jews inhabited and so deeply possessed them--that in all . . . places from Constantinople to Buda (which it was my fortune that year to travel) I perceived a strange transport in the Jews, none of them attending to any business, unless to wind up former negotiations, and to prepare themselves and families for a journey to Jerusalem. All their discourses, their dreams and disposal of their affairs tended no other design. . . .<sup>46</sup>

In Salonica and Adrianople, where Shabbethaianism was rampant, Ashkenazi became more intimately acquainted with the aberrations of this schismatic movement. In later years he told his son, Emden, many of his recollections from this period and depicted to him the sorcery and untoward conduct which characterized the Shabbethaians. He described having himself

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<sup>45</sup>Kaufmann, Schriften, II, 301.

<sup>46</sup>Sir Paul Rycant, The History of the Turkish Empire from the Year 1623 to the Year 1677 (London, 1687), cited by Jacob R. Marcus, The Jew in the Medieval World (Cincinnati, 1938), p. 262.



seen the women practicing witchcraft purporting to kill evil spirits and exhibiting the blood which they had shed.<sup>47</sup> Jacob Striemer, the Ashkenazic rabbi whom Hakam Zebi had encountered in Adrianople,<sup>48</sup> was an ardent believer in Shabbethai Zebi until the latter's conversion; but despite his Shabbethaian leanings, Striemer remained pious and meticulous in observance.<sup>49</sup> Samuel Almoli, too, with whom, as has been noted, Hakam Zebi had contended in Sarajevo and who was destined to be the father-in-law of Nehemiah Hayyun is described by Hakam Zebi as an inveterate sinner. Ashkenazi recounts that it was common for uncouth and base people to declare themselves as prophets and describes one instance in which such a self-styled soothsayer disputed with Almoli.<sup>50</sup> The circumstances of the death of Shabbethai Zebi himself are shrouded in mystery. Leib ben Ozer, whose chronicle is one of the basic documents regarding these events, cites Hakam Zebi as the source of his information. In translation the original chronicle reads:

But I heard as a certainty from a trustworthy person that Shabbethai Zebi died in a place that is called here Arnot in Belgrade in the country of Arnotlok /Albania/ beside the water according to his request. He lay ill for several days with colic and died of it

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<sup>47</sup> Emden, Torat ha-ken'ot, p. 5a.

<sup>48</sup> Cf., supra, p. 12.

<sup>49</sup> Emden, Torat ha-ken'ot, p. 5b.

<sup>50</sup> Ibid., p. 9. The reference here is to Samuel Almoli.

and was buried on the Day of Atonement. Regarding this there has given witness Hakam Joseph Almosnino chief rabbi of Belgrade who had personally heard it from a Turk who had been with Shabbethai Zebi during his sickness and had taken an active part in his burial.

There also gave witness on this matter our chief rabbi Hirsch who is called Hakam Zebi: that Shabbethai Zebi died in Arnot Belgrade and was buried on the Day of Atonement. He was not buried among Arabs; this was according to his testament. He requested his people to lay him alone beside the water and indeed they did bury him in this manner. In this land there live no Jews whatsoever.<sup>51</sup>

Scholem has pointed out the likelihood that the version of the story of Shabbethai Zebi's death as it was told to him by a Turk was then transmitted by Almosnino to Hakam Zebi when they met in Belgrade in 1679.<sup>52</sup> Quite apart from the question of the historical veracity of this version of Shabbethai Zebi's death, this account does indicate clearly Hakam Zebi's closeness to basic sources and his knowledge of Shabbethaianism from within.

Noteworthy as a key to Zebi Ashkenazi's attitude to the movement are the following anecdotes still believed in

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<sup>51</sup>The chronicle is cited from a Ms. by Yitzhak Ben-Zvi, "Mekom Keburato Shel Shabbethai Zebi weha-edah ha-Shabbethait be-Albaniya," Zion, 17, XVII (1952), 75.

<sup>52</sup>Gershom Scholem, "He ran met Shabbethai Zebi," ibid., p. 79. The exact circumstances surrounding these events are subject to debate. Both Scholem and Ben Zvi accept 1676 as the year of Shabbethai Zebi's death. Ben Zvi is of the opinion that the facts corroborate the account of Leib ben Ozer and that Shabbethai Zebi died in Arnot i.e. Berat, Albania. Scholem, on the other hand, accepts the tradition preserved among Shabbethaian scholars that Shabbethai Zebi died in Dulcigno.

Adrianople, a city at the heart of the Shabbethaian agitation where traditions are tenacious. According to legend, in order to establish his messianic claim, Shabbethai Zebi flew in the air liked a winged creature. Hakam Zebi duplicated this feat by soaring through the air from the window of one house to that of another, thus invalidating Shabbethai Zebi's messianic pretensions by demonstrating that this was a tour de force and by no means a miracle. To this day the people of Adrianople identify these two houses as the scene of this occurrence. They relate also that Hakam Zebi's wife was no more credulous than he. To illustrate her viewpoint she once jokingly put cotton in the meat-pie, explaining to her husband that this dish was symbolic of the ways of the Shabbethaian charlatans whose outer appearances belied their true nature.<sup>53</sup> The fact that these legends are associated in popular tradition with the name of Zebi Ashkenazi serves to underscore the fact that Hakam Zebi was known even in his youth as an unrelenting foe of Shabbethaianism who sought to shatter its delusions. Militant opposition to the sect manifested already at this early stage of his life was to become a determining factor in his entire career.

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<sup>53</sup>Related by Abraham Danon, a native of Adrianople, "Documents et Traditions sur Sabbatai Cevi et sa Secte," REJ, XXVII, 104; idem., Kot Yehudit Muslemanit bi-Eretz Turgemah, "Sefer ha-Shana, I (Warsaw, 1900), 178.

It is noteworthy that Ashkenazi's own father Jacob ZaK of Vilna has been labeled a Shabbethaian. Graetz writes that ". . . a learned Talmudist, Jacob Ashkenazi of Vilna whose son and grandson became zealous persecutors of the Shabbethaians . . . declared a member of the community worthy of death, because he would not say the blessing for Shabbethai Zebi." This piece of information is presented by Graetz without any reference to source.<sup>54</sup> The sole source for this accusation is a work that stems from the pen of the arch-enemy of Zebi Ashkenazi, Nehemiah Hayyun. In his book, Ha-Zad Zebi Hayyun writing some fifty years after the events described, speaks of Ashkenazi's father as

. . . the great believer in Shabbethai Zebi [Jacob, A.] who was in the city of Budin called in the German language Ofen, he is the one who caused the death of a Jewish soul because [the man] did not pronounce the blessing for the life of Shabbethai Zebi in the synagogue and he [Jacob Z.] pronounced the man guilty of lese-majeste against the Kingdom of David and therefore permitted the blood of this Jew to be shed. Concerning this matter there are witnesses here [Amsterdam].<sup>55</sup>

In his diatribe Hayyun writes that Hakam Zebi openly sanctioned murder, that wherever he came he caused countless transgressions and that the communities of AHW (Altona, Hamburg,

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<sup>54</sup> Heinrich Graetz, Geschichte der Juden (Leipzig, 1868), X, 239. Cf. A. L. Frumkin's sharp criticism of Graetz, Toledot Hakme Yerushalayim (Jerusalem, 1928-30), II, 152. In his defense of R. Jacob ZaK, Frumkin points out internal discrepancies in Hayyun's account. In themselves these discrepancies are, however, inconclusive.

<sup>55</sup> Introduction.

Wandsbeck) rejoiced publicly upon his departure.<sup>56</sup> No one lends credence to these accusations. It is recognized that the allegations are wild and irresponsible and that the entire document is one web of falsehood. To single out this one charge for citation is but an expression of preconceived prejudice. Contemporary scholars who have done exhaustive research on the Shabbethai Zebi movement have uncovered no further corroborative evidence connecting Jacob ZaK of Vilna with the Shabbethaians.<sup>57</sup> In all other documents he is spoken of with the highest esteem.<sup>58</sup> It is known that many of the rabbinic leaders of the time were tinged with the Shabbethaian belief and there are recorded instances of halakic decisions similar to the one mentioned above<sup>59</sup> but there is no warrant for associating these events with this particular person, namely Jacob ZaK of Vilna.

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<sup>56</sup>Loc. cit.

<sup>57</sup>Scholem, Shabbethai Zebi weha-Tentz ha-shabbethait bi-Yeme Hayyav (Tel Aviv, 1957), II, 467.

<sup>58</sup>He is referred to by Hakam Zebi as "הרב המוכחק" "חתי השלם" Hakam Zebi, nos. 1, 13, 17, 18, 20, 25, 77, 86, 95, 135 and "הדיין המצויין כמחור" יעקב 150. Ephraim ha-Cohen refers to him as, "בר"ו" Sha'ar Efrayim, nos. 111 and 112. Jacob ZaK was Ephraim ha-Cohen's honored envoy to Rabbi Moses Hayyim of Salonica. Ibid., no. 68. Judah Leib ha-Cohen, ibid., kuntres sharon, refers to R. Jacob as: "גיסי הזקן זה קנה חכמה מ"ו החכם השלם הכולל כמחור" יעקב בר"ו"

<sup>59</sup>Scholem, loc. cit.

The family of Rabbi Jacob was known as ZaK. It is possible that the surname "Ashkenazi" was adopted by Hakam Zebi during his stay in the Sephardic communities as an indication of his western origins.<sup>60</sup> Puzzling is his choice of following the custom in vogue among Sephardim of signing ם"ו after his name.<sup>61</sup> Ashkenazi's adoption of this Sephardic practice is all the more curious in one who emphatically expressed himself as wishing his family to maintain steadfastly Ashkenazic minhagim. Emden relates that his father refused lucrative offers to become rabbi in the Sephardic communities of London and Leghorn for this very reason.<sup>62</sup> Hakam Zebi continued to sign his name in this fashion throughout his life, even while living in Ashkenazic cities. It is most remarkable that his son, Jacob Emden, also appended the eulogy ם"ו to his signature.<sup>63</sup>

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<sup>60</sup>Encyclopedia ha-Ivrit, VII, 418; Encyclopedia Judaica, III, 484.

<sup>61</sup>Hakam Zebi, nos. 5, 6, 8, 10, et al.

<sup>62</sup>Megillat Sefer, p. 35; Emden. She'elat Ya'abez, I, no. 170.

<sup>63</sup>Ibid., I, nos. 3, 5, 7; II, 3, 6, 8, et al. The meaning of the letters ם"ו is disputed. According to some authorities ם"ו is an abbreviation of sephardi tahor, denoting a non-Marano descent. One scholar's view is that the letters stand for sanct, indicating martyrdom. Another opinion is that ם"ו is an abbreviation for sofo tob intended as a prayer and dating from the time of the persecutions in Spain. The most widely accepted view is that of Leopold Zunz, Zur Geschichte und Literatur (Berlin, 1845), p. 314, who maintains that ם"ו is an abbreviation for sofo tob, intended as a general prayer with no reference to any particular

In the final analysis one cannot minimize the effect on Hakam Zebi of his prolonged stay in the East. He assimilated habits of the Sephardim, adopted some customs and versions of their liturgy,<sup>64</sup> acquired knowledge of their

historical events. This explanation accounts for the usage of ט"ס before the great persecutions in Spain (e.g. by R. Asher b. Yehiel and R. David Abudraham). Vide Zimmels, pp. 286-7.

The theory that the letters ט"ס signify sephardi tahor is obviously the most difficult to reconcile with the use of these letters by Hakam Zebi. The term has frequently been taken to denote some indication of family purity and non-submission to enforced apostasy. Cf. Baruk ha-Levi Epstein, Mekor Baruk (Vilna, 1928), I, 693. In the light of this fact it is interesting to note that among Ashkenazic Jews we find a similar usage in the form of an expression added to the name of descendants of martyrs. Applied originally to single individuals as kadosh, the epithet became a familiar one among German Jews who frequently called themselves Zak, Zack. Vide L. Zunz, Gesammelte Schriften (Berlin, 1876), III, 285. We also find this name ascribed to the descendants of individuals who withstood coercive conversion. Ashkenazi's family called themselves by this name-- ז"ק, ז"ק, זרע קדש, indicating that their ancestors had, for generations, been tried and tested in persecutions and had remained steadfast in their beliefs. Emden, Megillat Sefer, p. 3, notes: מו"ה יעקב כמוהר"ר בנימין: זע"י אשכנזי מגזע ז"ק כך היו נוהגין לחתום שם משפחתם כי היו זרע קדוש בני בחונים וצרופים כימי הגזרות והשמדות והמה נשארין באמנים לה' ממה דורות מגדולי חסידי אשכנז הקדמונים.

It is perhaps too far-fetched to suggest that Ashkenazi found the usage of ט"ס interpreted among the Sephardim with whom he came in contact as an indication of purity and martyrdom and that he used the eulogy ט"ס after his signature as a somewhat remote synonym for the ז"ק of his family name. However, the parallel is an interesting one.

<sup>64</sup> Emden, Siddur, pp. 125 and 127.

languages--Turkish, Spanish and Italian<sup>65</sup>--and became intimately acquainted with their mode of life and familiar with their methods of study. In his relationship with Sephardim there persisted throughout his life the warmth and affection of a kindred spirit. Nevertheless, the predominant influence in his life remained that of his early preceptors Rabbi Jacob and Rabbi Ephraim ha-Cohen who had hailed from the inner coterie of Vilna scholars. Ultimately Hakam Zebi must be considered an Ashkenazic scholar and his works are another link in the chain of his teachers' tradition. In the introduction to his responsa collection, it is to the transforming nature of their direction that he pays personal tribute and to its abiding influence upon his life that he himself attests:

There flocked to me scholars and men of understanding . . . thirsting to hear the word of G-d, which I received from my forefathers, my holy departed teachers, my revered father, the very competent Rabbi Jacob, may his memory be blessed, whose honored resting place is in the Holy City of Jerusalem, and my maternal grandfather, the great Gaon, most pious of priests, the splendor of Israel, Rabbi Ephraim ha-Cohen, may his memory be blessed, author of the Sh'ar Efrayim. Their wisdom has stood by me, enabling me to become an arbiter of the law, arousing attention in study and it is their merit that has made my reputation known in the world. . . .<sup>66</sup>

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<sup>65</sup> Megillat Sefer, p. 16.

<sup>66</sup> Hakam Zebi, Introduction.



## B. Altona

The period beginning when Hakam Zebi left Sarajevo for the great Ashkenazic centers until he was called to the rabbinate of Amsterdam some two decades later, constitutes the most productive portion of his life. In any attempt to evaluate Hakam Zebi's ministry in Amsterdam and to assess with a measure of fairness his reactions to the difficulties that arose there one must take note of the significance of these intervening years. Ashkenazi's contribution to the cultural development of the Triple Community of Altona, Hamburg, Wandsbeck (AHW) is dealt with in detail in Emden's autobiography, Megillat Sefer, an account permeated with filial affection. In addition, the responsa which Hakam Zebi himself wrote reflect his activities as scholar and minister and give evidence of his approach to the major issues of his generation. As the mature expression of his character, these responsa serve as an invaluable guide for an objective estimate of these crucial years.

From Sarajevo, Hakam Zebi set out via Ragossa across the Adriatic Sea on the then arduous journey northward, refusing to accept financial support from the admirers who hailed him en route. In his writings he records the date of his trip, "When I came from the country of Turkey to these

lands in the year 5449.<sup>67</sup> Arriving penniless in Venice, Ashkenazi lodged at the home of Rabbi Samuel Aboab to whom he addressed a responsum dated during this period.<sup>68</sup> From Venice he proceeded on his travels leaving the imprint of his personality in each town of his visit: refusing to associate himself with bribery in Ansbach,<sup>69</sup> cautioning the community of Furth on the laws of eyrub,<sup>70</sup> rendering a halakic decision in Prague with regard to the obligation of rending the garments on account of the Torah scrolls that had been burned during the great conflagration in that town.<sup>71</sup>

#### 1. Communal Activities

Ashkenazi then repaired to Berlin where he met Rabbi Ze'eb Wolf Mirels whose sister Sarah he took as his second wife.<sup>72</sup> She was the daughter of the noted scholar, Meshullam Zalman Mirels Neumark, scion of an eminent Viennese family,

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<sup>67</sup>Hakam Zebi, nos. 111 and 42.

<sup>68</sup>Megillat Sefer, p. 9; Hakam Zebi, no. 42.

<sup>69</sup>Megillat Sefer, loc. cit.

<sup>70</sup>Hakam Zebi, no. 111.

<sup>71</sup>Hakam Zebi, no. 17.

<sup>72</sup>Little is known about her. She was a devoted wife and mother and after the death of Hakam Zebi she refused all offers to remarry. Megillat Sefer, p. 64. Shortly thereafter she passed away in Lemberg on 3 Shebat, 5479. A copy of the inscription on her tombstone can be found in Jacob Mendel Schutz, Mazebat Kodesh (Lemberg, 1860), I, no. 122.

who had left that city at the time of the banishment of the Jews in 1670 and ten years later had been named chief rabbi of the Triple Community.<sup>73</sup> Following his marriage, Ashkenazi moved to Altona where his father-in-law resided. Here wealthy leaders of the congregation founded a Klaus for him-- a study house from which he might disseminate Torah. During the next 20 years the Bet Midrash which he headed became a celebrated center to which exemplary students, scholars and rabbis flocked from all parts of Germany, Poland and Lithuania.<sup>74</sup> Under his direction learning was intensive and the subject-matter all-embracing; the curriculum included Talmud, Codes, Bible, Midrash and Grammar.<sup>75</sup> The custom of expounding a portion of Bible in the synagogue after the morning service and of interpreting a section of Mishnah with all commentaries between the afternoon and evening services, a practice established by Hakam Zebi, was continued as long as the Klaus was standing.<sup>76</sup>

In 1692 Ashkenazi printed the Ms. of the Ture Zahab on the first part of Hoshen Misphat with his own annotations. These are frequently incorporated into the text of the TaZ as notes of the editor אבן חזקיה. At the close of this volume,

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<sup>73</sup>Duckesz, pp. 8-9.

<sup>74</sup>Hakam Zebi, Introduction.

<sup>75</sup>Megillat Sefer, p. 11.

<sup>76</sup>Duckesz, p. 13.

Hakam Zebi signed himself: The words of "Zebi Hirsch . . . who stands watch over the great Bet Midrash, the Klaus, which is in the community of Altona. . . ." <sup>77</sup> Shortly thereafter he wrote a letter of approbation dated Altona, 1695, of the Birkat Abraham by Abraham Brodie (published, Venice, 1696). In Hamburg, two years later, he appended his signature to an approbation of an edition of the Ta'ame ha-Mitzvot of Rabbi M. Hababli (published, 1707). <sup>78</sup>

Among those who were later the most pre-eminent of his students were members of Hakam Zebi's immediate family. His eldest son Jacob was born in Altona in June, 1698. <sup>79</sup> Ashkenazi personally enrolled him in the heder when he was 3 years old and thereafter supervised his education until the age of 17. <sup>80</sup> When his daughter Miriam married (1707) she and her husband Aryeh Leib ben Saul, grandson of Rabbi Heschel of Cracow, remained in Altona. Ashkenazi supported his son-in-law financially and rigorously supervised every aspect of his studies constantly displaying unflagging devotion toward him. <sup>81</sup>

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<sup>77</sup>Ture Zahab (Altona, 1692), p. 976.

<sup>78</sup>Margolis, Sinai, XXXI (1952), p. 88.

<sup>79</sup>Wagenaar, Toledot, p. 1 and p. 49, ns. 1, 2.

<sup>80</sup>Megillat Sefer, p. 56; Emden, Mor u-Kezi'ah (Altona, 1761), I, Introduction.

<sup>81</sup>Megillat Sefer, p. 66. Aryeh Leib's father Saul, had been accepted as chief rabbi in Amsterdam but died en route in Glogau in 1707. Vide, Dembitzer, II, 75a.

Throughout his life it was a matter of principle to Hakam Zebi that he be beholden to no one and as a result he suffered deprivation in preference to accepting outright monetary assistance or gifts. In Venice, chance collection of a long-standing debt had temporarily enabled him to maintain his independent mode of life.<sup>82</sup> But in Altona, faced with the expenses of a large household--ten children having been born to him in that town, five sons and five daughters--securing a stable source of income became a serious problem. Ashkenazi's salary as Klausrabbiner was a mere sixty thalers annually<sup>83</sup> and he was therefore compelled to engage in business pursuits to augment his income. After a setback in his first commercial endeavor--a disaster which cast him into severe melancholia--his fortunes took a turn for the better.<sup>84</sup> Benevolent members of the community bought and sold jewelry, pearls and precious stones on his behalf. Subsequently his patrons established for him a trade in French and Italian wine;

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<sup>82</sup>Megillat Sefer, p. 9.

<sup>83</sup>Ibid., p. 11.

<sup>84</sup>Ibid., p. 18. Jacob Emden was born at the time when his father was suffering from this severe depression. Ibid., pp. 55-56; She'lat Ya'abez, II, Introduction. The moods of Hakam Zebi left their mark upon his son who from his earliest youth was given to a pessimistic and bitter outlook. Vide, Mortimer J. Cohen, Jacob Emden: A Man of Controversy (Philadelphia, 1937), p. 29.

this enterprise flourished to the benefit of Hakam Zebi and the benefit of the community which was provided with kosher wine for the first time.<sup>85</sup>

Preoccupied with his Yeshiva Ashkenazi did yet take a keen and active interest in every aspect of the communal life. Aware of laxness in this area he instituted detailed takkanot designed to improve every facet of the supervision and baking of matzot.<sup>86</sup> Dating from this time are several halakic decisions in questions of ritual and law, i.e. with regard to the proper species of hadasim<sup>87</sup> and bitter herbs<sup>88</sup> and laws of family purity.<sup>89</sup> Noteworthy is the extent to which Ashkenazi practiced ritual circumcision in Altona; there are still extent records enumerating the names of several children whom he circumcised.<sup>90</sup> It was, however, in the sphere of social welfare that Hakam Zebi's reforms were most prominent. An outspoken opponent of excessive usury and unfair employment practices he was soon known as the passionate champion of the poor man. He promoted every philanthropic

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<sup>85</sup>Megillat Sefer, pp. 19-20.

<sup>86</sup>Ibid., p. 14.

<sup>87</sup>Hakam Zebi, no. 161.

<sup>88</sup>Ibid., no. 119.

<sup>89</sup>Ibid., no. 8.

<sup>90</sup>Duckesz, p. 14.

endeavor, personally acting as agent in the anonymous distribution of charities to the poor. But the welfare of the communities in the Holy Land was his paramount concern. The small groups of Ashkenazim who had settled in Jerusalem, lived there in utter destitution. To Hakam Zebi their plight was a source of constant pain. Monies collected for support of the Yishub rarely, if ever, reached the intended destination. Publicly he protested on their behalf and sought to arouse the neighboring communities from their lethargy and negligence. In the city of Altona where he was in a position himself to impose order, he organized and regulated the zedakah for the Land of Israel with painstaking attention to the fair allocation of funds. He astutely supervised the details of shipment at each stage of the route until the final arrival in Jerusalem, by careful maneuver arranging delivery of the stipends directly to the recipients, exacting assurances that their monies would not fall into the hands of their creditors.<sup>91</sup>

## 2. Rabbi of AHW

In the 27 years that Rabbi Meshullam Zalman Mirels was rabbi of AHW the Great Synagogue was built and the Triple Community flourished. During the latter part of Rabbi Meshullam's life communal leaders wished to continue his salary as rabbi

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<sup>91</sup>Megillat Sefer, pp. 14-16.

emeritus, giving his son-in-law a separate salary and transmitting to him the reins of the active rabbinate.<sup>92</sup> Although this measure was opposed, Ashkenazi took over many of the official duties which became increasingly cumbersome to his aged and ailing father-in-law. In the community records there are many decisions with regard to congregational practices written in Hakam Zebi's handwriting.<sup>93</sup> When Rabbi Meshullam Zalman died in 1707, Hakam Zebi was installed as rabbi in Hamburg and Wandsbeck. In Altona where another faction favored the election of Rabbi Moses ben Mordecai Zusskind Rothenburg<sup>94</sup> it was decided that the candidates should hold the office jointly, each serving for a period of six months. The arrangement was difficult and strained from the very beginning and several differences of opinion rose to a head in an halakic disagreement which has been celebrated in the responsa literature. Hakam Zebi declared kosher a chicken in which no heart was found, as rationale stating that the vital organ must have been present during the fowl's life but had somehow been lost upon evisceration.<sup>95</sup>

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<sup>92</sup>Megillat Sefer, p. 19.

<sup>93</sup>Ibid., p. 13; Duckesz, p. 13.

<sup>94</sup>Regarding Moses Zusskind Rothenberg (1665-1712) vide ibid., pp. 18-19.

<sup>95</sup>Hakam Zebi, nos. 74 and 77.



Rabbi Moses Rothenburg taking the halakically more conservative position decided the reverse.<sup>96</sup> The issue became somewhat of a cause célèbre and many responsa were written both pro and con. In view of later historical events it is interesting to note the alignment of Rabbi Naphtali Cohen on the side of Hakam Zebi Ashkenazi<sup>97</sup> and of the then youthful Jonathan Eybeschütz--with whom Hakam Zebi's son Emden was destined to quarrel so bitterly--as a critic of Hakam Zebi's judgment.<sup>98</sup> His experiences in his short tenure as rabbi in AHW are a reflection of Hakam Zebi's approach to the rabbinate. Once its mantle was thrust upon him and he assumed its responsibilities it was both against the grain of his proud and dignified character and contrary to his conception of the function of a rabbi to remain in a position in which he did not enjoy complete and undivided authority. In the atmosphere of continued strife and dispute, Ashkenazi found conditions intolerable and in the summer of 1709, he deemed it wise to resign and again become Klausrabbiner.<sup>99</sup>

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<sup>96</sup>She'lot u'Teshubot MaHaRaM Zusskind (Amsterdam, 1716), no. 33.

<sup>97</sup>Hakam Zebi, no. 76.

<sup>98</sup>Jonathan Eybeschütz, Kereti u-Peleti (Altona, 1763), Yoreh De'ah, 40, 5. Cf. Margolis, Sinai, XXIX (1950), 380-388, for a discussion of the implications of this decision.

<sup>99</sup>Megillat Sefer, pp. 21-24; cf. Ha-Measef, pp. 96-97. Emden attributes motives of personal aggrandizement to the faction that favored Rothenburg. He claims that the opposition was headed by the latter's father-in-law, a wealthy

### 3. Role as "Posek"

During the entire period of his stay in AHW, study in the Klaus was Ashkenazi's primary concern and constant preoccupation. He notes in his responsa that his correspondence must be brief owing to his heavy schedule of lecturing and teaching.<sup>100</sup> He was able to devote himself to profound and concentrated study of the Talmud and to the acquisition of extensive knowledge in the varied areas of Kabbalah, Zohar, Bible, Grammar and Philosophy.<sup>101</sup> In these years Hakam Zebi's fame soared to new heights and his reputation as a leading figure in the rabbinic world became firmly entrenched. His contemporaries were quick to appreciate his overwhelming mastery of Halakah, his lucidity of exposition

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communal representative in Altona. Emden vents his wrath against Isacher Ben Cohen. He claims that Cohen's antagonism to Hakam Zebi's fearless character prompted him to join Rothenberg's supporters. D. Simonsen, "Chacham Zewi und seine Gegner in Altona," Jüdische Literaturblatt (1879), pp. 14-15, discusses the personal factors involved in this issue.

<sup>100</sup> Hakam Zebi, No. מלש לא אוכל מלש. והריני בא בקצרה כי לא אוכל מלש. משא ישיב' הבקר בגמפ"ה ושיעורן של חכמים רכוחינו בעלי הטורים והב"י נוחי נפש אשר אנו עסוקין בהם חמדין כסדרן וכל זה בחכמה חכמי' מאריות גברו וגם אחרי כן אשר יבואו כחורי חמד ללמוד קביעותם בכיאות וכיוצא בהם.

<sup>101</sup> Megillat Sefer, p. 16.

and his incorruptible character. From literally all parts of Lithuania, Poland and Germany from the Western cities of Frankfurt-on-the-Oder,<sup>102</sup> Prague,<sup>103</sup> Hanover,<sup>104</sup> and Berlin,<sup>105</sup> from Hague<sup>106</sup> in Holland, from Kassel in Italy,<sup>107</sup> to the far-flung communities of Lublin,<sup>108</sup> Glogau,<sup>109</sup> Lissa,<sup>110</sup> Horadni<sup>111</sup> and Pinsk<sup>112</sup> in Lithuania and Poland-- they turned to him for guidance. Nor did the Sephardic communities forget his familiarity with their customs and his understanding of their ways. Considering him as one of their own stock, the Sephardim in Hamburg constantly sought his advice.<sup>113</sup> One query recorded in the responsa dealt with the

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<sup>102</sup>Hakam Zebi, no. 9.

<sup>103</sup>Ibid., no. 67.

<sup>104</sup>Ibid., nos. 69 and 126.

<sup>105</sup>Ibid., no. 8.

<sup>106</sup>Ibid., no. 5.

<sup>107</sup>Ibid., no. 135.

<sup>108</sup>Ibid., no. 83.

<sup>109</sup>Ibid., no. 132.

<sup>110</sup>Ibid., nos. 31 and 133.

<sup>111</sup>Ibid., No. 10.

<sup>112</sup>Ibid., no. 22.

<sup>113</sup>Megillat Sefer, p. 25:  
 כמו שהי' גם לק' ספרדים לאב ולפטרון ... חכה יחדה נודע  
 לו מהם.

civic obligation of emigrants from the community.<sup>114</sup> In response to a question from the Sephardim in the Italian city of Kandeá Hakam Zebi wrote that a Shabbethaian who had converted to Islam but had subsequently repented wholeheartedly was to be accorded all honors and dignities of the synagogue.<sup>115</sup>

With regard to Hakam Zebi's opposition to the Shabbethai Zebi movement one should note Emden's report regarding an important inquiry sent to his father from Poland. In Poland knowledge of Shabbethaianism was limited and Saul of Cracow wrote to Hakam Zebi requesting explicit information regarding the sect. In his detailed reply Hakam Zebi particularly defamed one Hayyim Malak. Following receipt of this intelligence the Polish rabbis vigorously combated the schismatics. A group of Shabbethaians numbering 1300 to 1500 under the leadership of Judah Hasid departed from Poland planning ultimately to reach the Holy Land. While the majority of his followers remained in Moravia and Hungary, Judah Hasid, at the head of some 150 persons travelled through the cities of Altona, Frankfort, Berlin, Dessau, Nikolsburg, Prague and Vienna. These Hasidim were distinguished by their ascetic practices, their excessive fasting and mortifications. Emden writes that the enthusiasm with

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<sup>114</sup>Hakam Zebi, no. 14.

<sup>115</sup>Ibid., no. 13.

which they were received among the populace was so great that the German rabbis did not dare to oppose them. Hakam Zebi, however, in at least one instance was open in his opposition. Emden relates that when Judah Hasid sought to take a Torah scroll into the women's gallery in the Altona synagogue, Hakam Zebi being present, protested and would not permit him to do so.<sup>116</sup>

Both Sephardic and Ashkenazic communities in London frequently turned to Hakam Zebi for guidance. His wise intervention at critical stages in their development and his fairminded decisions endeared him to the London populace and they reserved a special place for him in their affections. In later years two of his grandsons, Rabbi Hart Lyon (1721-1800), son of his daughter Miriam, and Rabbi Israel Meshullam Zalman (1723 - ?), son of Jacob Emden, and his great grandson, Rabbi Solomon Hirschell (1802 - 1842) held official positions as rabbis in that city.<sup>117</sup> In 1696 Ashkenazi

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<sup>116</sup>Torat ha-kena'ot, pp. 27a-28b; Graetz, X, 340 and Appendix, LXIX-LXX. Vide also Meir Benayahu, "Ha-Hevrah Kedoshah shel Rabbi Yehudah Hasid, ve-Alliyata le-Eretz Yisrael," Sefunot, III-IV (1759-60), 149. Benayahu writes that the inspiration of Judah Hasid's group was Shabbethaian in origin. He notes that the description of Judah Hasid and his followers given by Emden in the name of Hakam Zebi is corroborated by contemporary German sources.

<sup>117</sup>Israel Solomons, "David Nieto and Some of His Contemporaries," Transactions of the Jewish Historical Society of England, XII (1931), 21, 90-92.

received an inquiry regarding levirate marriage from Solomon Ayllion, then rabbi of the London Sephardic congregation. In his response Ashkenazi refers to Ayllion with respect and approbation.<sup>118</sup> Another question sent to Hakam Zebi by this community and worded originally in Ladino is found in the Responsa Hakam Zebi (no. 38) in the Ladino version followed by a Hebrew translation made by Hakam Zebi. The inquirers wished to know if it was permissible for them to separate themselves from the Sephardic congregation, members of which were guilty of transgressions against the Torah-law, and to join the Ashkenazic synagogue although this action would be in violation of a congregational ban on secession.<sup>119</sup>

Another subject regarding which the London Sephardim requested Hakam Zebi's opinion was the question of the orthodoxy of a sermon on Divine Providence delivered by their spiritual leader, Hakam David Nieto (1654 - 1728). From the historical perspective, this issue is significant both for its philosophical and theological implications and for its political overtones. It is no less noteworthy as being Ashkenazi's first important encounter with some of the people

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<sup>118</sup>Hakam Zebi, no. 1.

<sup>119</sup>cf. Rosanes, IV, 253, who identifies the inquirers as the Sephardim of Amsterdam. Zimmels, p. 299, points out that it is apparent from the original Ladino version that London was the city in question. In the Ladino text mention is made of a King Carlos who is to be identified with Charles II of England.

who were to play so active a role in the dramatic struggle to be enacted ten years later. In some respects, the London affair may be seen as a forerunner of the controversy in Amsterdam and the passionate feeling aroused in England was indicative of the stormy currents to be unleashed in the later conflict.

On the Sabbath of November 20, 1703, the portion of the law being Veyesheb Yahkob, Hakam Nieto held a discourse on the subject of Divine Providence. Many of the listeners contended that the doctrines he had expounded were in accord with the philosophical speculations of Spinoza and that the views he had advanced were pantheistic in nature. One Joshua Zarfatti presented charges to the ma'amad accusing Nieto of heresy and challenging that the matter be submitted for judgment by a competent rabbinic court. Zarfatti put the case in writing in a petition to the ma'amad dated sixth Ab, 5464. The following month, Nieto printed De La Divine Providencia--a discourse in the form of two dialogues--in which the subject of his sermon was treated at length. Publication of the treatise did not alter matters; Zarfatti and his supporters refused to be appeased and were excommunicated.<sup>120</sup> Since the feud showed no signs of abating, the dissidents, on the contrary, becoming increasingly vociferous, the ma'amad accepted Zarfatti's initial request that the

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<sup>120</sup>Solomons, Transactions, pp. 10-12.

matter be submitted to an independent court and they referred the question of Nieto's views as expressed in the allegedly heretical discourse to the Sephardic Bet Din of Amsterdam, constituted of Hakam Solomon Ayllion, formerly of London, and Solomon de Oliveira. Simultaneously a group of congregants addressed an independent appeal to individuals on the Amsterdam ma'amad asking them to obtain the opinion of their Bet Din on the phrase to which they took particular exception, "They say that I have said . . . that G-d and Nature and Nature and G-d are the same. I did say so. I affirm it and I will prove it." In the correspondence the case seems to be put fairly with a genuine desire for an honest decision. From the second letter it appears that the Amsterdam authorities withheld judgment because of malevolent influences active in the community.<sup>121</sup> The behavior of the Amsterdam Bet Din and the attention given by it in this matter to a private communication aroused the resentment of the London ma'amad and they resolved that in the future under no circumstances should any request for a judgment or din be solicited from the Bet Din or ma'amad of Amsterdam. Meanwhile the dispute increased in bitterness. The reputed authors of an anonymous pamphlet criticizing the treatise being threatened with excommunication under the provisions of Ascamah 23 which imposed the penalty of

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<sup>121</sup>Ibid., p. 14.



herem as punishment for offending the hakam.<sup>122</sup>

Although the majority of congregants stood by Nieto, the opposing faction was too large to be ignored and it was necessary for the matamad to turn elsewhere for an authoritative decision. Recourse to the Sephardic community of Hamburg would likely have been the next move. There, however, the office of hakam was vacant. At this juncture the community therefore decided, --probably at the suggestion of the wealthy Ashkenazic parnas, Abraham Nathan of Hamburg,<sup>123</sup> popularly known as Reb Aberle--to place the case in the hands of Hakam Zebi of Altona.<sup>124</sup> Following negotiations, Reb Aberle received a letter from Ashkenazi dated September 28, 1704, stipulating that documents from both parties should not be written in the Sephardic rabbinical script.<sup>125</sup>

Hakam Zebi's judgment dated Friday, August 7, 1705 and countersigned by two coadjutors, assessors of the

<sup>122</sup>Moses Gaster, History of the Ancient Synagogue of the Spanish and Portuguese Jews (London, 1901), p. 106.

<sup>123</sup>Solomons, Transactions, p. 16. Gaster, p. 107, writes that Hakam Zebi was approached through an intermediary, Joseph Vieira, a parnas of the Altona congregation.

<sup>124</sup>Solomons, Transactions, p. 16, n. 38, points out that Hakam Zebi has been erroneously described as rabbi of Amsterdam at the time of this incident. The error is found in Graetz, X, LXXXVII. In all probability further writers merely accepted his data.

<sup>125</sup>Solomons, Transactions, p. 16; David Kaufmann, "Rabbi Zevi Ashkenazi in London," Transactions of the Jewish Historical Society of England, III (1896), 108. Since Hakam Zebi's own usage of Sephardic script is known, one may assume that this request was made for the benefit of the coadjutors.

Ecclesiastical Court in Altona, R. Solomon ben Nathan and R. Aryeh ben Simhah of Vilna, was completely in favor of Nieto. In his decision, Ashkenazi commends Nieto's approach and states unequivocally, "All who having seen these words doubt him, I suspect of sin."<sup>126</sup> The decision was received with such enthusiasm by the London Sephardic congregation that the justificatory documents of Hakam Zebi were issued in 1705 both in Hebrew and in a separate Spanish translation.<sup>127</sup>

David Nieto's prolific writings mirror his exceptional attainments as a mathematician, astronomer, physician, philosopher, poet, theologian and Talmudist. He is considered to be unquestionably one of the most eminent and learned of the hakamim of London. All his works are permeated with an undeniable piety and religious zeal. He was the author of powerful attacks against Karaism and Shabbethaianism and the 28 years of his ministration were characterized by a vigorous championship of the cause of Tradition. The attack directed against Nieto has been viewed as insincere, a deliberate attempt to undermine the authority of the hakam. It is suspected that the members of the congregation who brought the charges of heresy against Nieto were secret adherents of the Shabbethaian movement who sought to diminish

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<sup>126</sup>Ashkenazi's decision is included in his responsa--  
Hakam Zebi, no. 18.

<sup>127</sup>Solomons, Transactions, p. 16, n. 41.

Nieto's influence, thereby weakening the position of orthodoxy in the community.<sup>128</sup> There is no doubt that at the time of this controversy there was a definite Shabbethaian undercurrent in London. A considerable number of Mss. written during this period--now found in British libraries and private collections--have been found to be saturated with Shabbethaian doctrines. Several of them are copies of the writings of Abraham Cardozo. Among the Kabbalistic Mss. in the Bet Midrash of the Ashkenazim in London Gaster discovered a mystical treatise written by Hakam Solomon Ayllion; in 1703 the work had been in the possession of one Aaron Fernandez Nunes. Gaster considers the documents a further affirmation of Ayllion's pronounced Shabbethaian leanings and notes that there existed a lively contact between Shabbethaians in London and Amsterdam. In Ayllion's sectarian views he sees the key to Ayllion's judgment in this issue and to the peculiar position taken by the Amsterdam Bet Din.<sup>129</sup>

The above mentioned mystical treatise has been published recently.<sup>130</sup> Its contents is an exposition of creation written in the Shabbethaian kabbalistic manner. Despite the brevity of the work the Shabbethaian views espoused in it by

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<sup>128</sup>Gaster, p. 108.

<sup>129</sup>Ibid., p. 111.

<sup>130</sup>Yael Nadav, "Rabbi Shelomo Ayllion we-Kuntreyso be-Kabbalah Shabbethait," Sefunot, III-IV, 301-347.

Ayllion are readily detected and their place within the framework of Shabbethaian theory is clearly indicated.<sup>131</sup> It is not surprising that in the general atmosphere of spiritual ferment partisanship on this issue was intense and passions rose to a fever pitch. Ayllion's Shabbethaian sympathies probably colored his reactions but in this particular case one cannot determine exactly what transpired nor to what extent underground Shabbethaian activity affected the decision. Despite the coincidence that the principal protagonists in the dispute in Amsterdam were aligned on opposing sides in this issue as well, one must be wary of reading more into the events than the facts warrant. From documents in the archives of the Sephardic community in Amsterdam it appears that the primary decision was de Oliveira's and that Ayllion's opinion was the concurring one. The judges concerned with the matter decided to render no decision, thus evading the issue entirely. Ayllion's view was that it was incumbent upon them to answer, ostensibly to declare the speaker guilty. But he had no opportunity to carry out his desire.<sup>132</sup> At the time there was no

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<sup>131</sup>Ibid., p. 311.

<sup>132</sup>Yitzhak Shmuel Emmanuel, "Polmos Nehemiah Hayyun bi-Amsterdam," Sefunot, IX (1965), 216. De Oliveira was the senior hakam. Vide J. d'Ancona, "De Portugese Gemeente te Amsterdam tot 1795," Geschiedenis der Joden in Nederland, ed. H. Brugmans and Abraham Frank (Amsterdam, 1940), I, 293. Hereafter cited as Geschiedenis.

open antagonism between Hakam Zebi and Ayllion. Ashkenazi's decision which ran counter to that of Ayllion was widely publicized. This may have rankled and years later when they again clashed on a theological matter it is likely that the earlier wound was reopened. Though the personal equation remains to a great degree an imponderable, the polemic in Amsterdam was, as will be seen, bordered on all sides by private animosities and in the light of this configuration one cannot overlook the importance of the Nieto case in which occurred the initial confrontation of Nieto, Ayllion and Ashkenazi.

A year later (1706) there was again a furor in the London community--this time among the Ashkenazim. Once more Hakam Zebi took an active part in settling the quarrel. Mordecai Hamburger, member of an affluent continental family, had publicly criticized irregularities in the writing of a conditional bill of divorce. The divorce, involving a kohen and his wife, was executed in secret by Uri Phoebus Hamburger (known as Rabbi Aaron Hart) who was the protege of Reb Aberle, the dominating spirit of the Ashkenazic community. Uri Phoebus, invoking the herem of Rabbenu Tam, placed Mordecai Hamburger under a perpetual ban. When R. Mordecai was subjected to the indignities and rigors of excommunication--social boycott and danger of financial ruin--his family in Hamburg turned for assistance to Rabbi Judah Leib ben Ephraim Anshel of Rotterdam and to Zebi Ashkenazi of Altona. Hakam Zebi

did not hesitate to give an immediate verdict. In his decision, sent on Tuesday, September 14, 1706, he declared the ban inapplicable and the victim to be released from its penalties.<sup>133</sup> Ashkenazi was influenced neither by family ties--his son-in-law Aryeh Leib was related to Uri Phoebus--nor by his personal closeness to the influential Reb Aberle. As in his other dealings with the London community so too his response in this case is but another illustration of his single-minded adherence to truth and justice.<sup>134</sup>

In January 1710 the Ashkenazic parnasim of Amsterdam wrote to Hakam Zebi to invite him to become their chief rabbi. To what manner of a man did the Amsterdam community turn and to what extent was he responsible for the drastic course that events were to take? At the high point of his career one sees Hakam Zebi as a universally recognized authority in questions of Torah law and as a formidable leader in communal

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<sup>133</sup>The decision is printed in Johanan Holleschau, Mahse Rab (London, 1707), pp. 4a-5a. The Mahse Rab is reprinted in the Teshuvat ha-Geonim (Amsterdam, 1707). It is interesting to note that Holleschau's Mahse Rab and Uri Phoebus' Urim ve-Tumim (London, 1707) were the first entirely Hebrew works to be printed in England. Vide Cecil Roth, "The Origins of Hebrew Typography in England," Journal of Jewish Bibliography, I (October, 1938), 4; idem., "Hebrew Printing in London," Kiryath Sefer (January, 1937), p. 98.

<sup>134</sup>For a full description of the issues and personalities involved, the literature that ensued and the subsequent reports of the incident in Christian sources vide Kaufmann, Transactions, pp. 108-115. Cf. Megillat Sefer, pp. 35 and 78.

affairs. Breadth of knowledge, political and diplomatic acumen and linguistic attainments brought the esteem of the secular government as well.<sup>135</sup> Particularly there emerges the image of a forceful personality: unflinching in decision, impartial and straightforward in judgment, pious and passionate of temperament. As Emden wrote, among the people of Altona "He was beloved by every element of the people whilst he was feared and revered and his awe was upon them."<sup>136</sup>

This then was the distinguished rabbi to whom the Ashkenazic community of Amsterdam addressed their invitation. In the scope of his background he was extraordinarily well-qualified to be the head of a kehillah of power and influence. In his intimacy with both Sephardim and Ashkenazim he was singularly suited to serve as mediator in a city where the contiguous communities of Ashkenazim and Sephardim were to so great a degree interdependent. But the parnasim of Amsterdam were accustomed to absolute authority and control over religious and communal matters. By the very nature of his character and disposition it was foreordained that Hakam Zebi would come into sharp conflict with such a laity.

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<sup>135</sup>Ibid., p. 16.

<sup>136</sup>Ibid., p. 21.

## CHAPTER II

### INTERNAL DISAGREEMENTS OF THE ASHKENAZIC COMMUNITY

On Tuesday, January 7, 1910, the parnasim, ex-parnasim and affluent leaders of the Ashkenazic congregation convened to elect a new chief rabbi. Of the 151 votes cast, 100 were in favor of Zebi Hirsch Ashkenazi. The remaining votes were divided among the other three nominees, referred to in the protocols of the Congregation merely as R. Mihal of Berlin, the chief rabbi of Coblenz and R. Jacob of Cracow who received 20, 17 and 14 votes respectively. The parnasim of the Sephardic community, whose approval and sanction the Ashkenazim frequently sought, had highly recommended the Klausrabbiner of Altona and emphatically endorsed his candidacy.<sup>1</sup> In view of this endorsement the outcome of the election was not surprising. Immediately the parnasim despatched an epistle to Ashkenazi, inviting him to serve as their spiritual leader. On January 10 Hakam Zebi received their invitation<sup>2</sup> reading in part, "A prince of G-d you shall

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<sup>1</sup>J. M. Hillesum, "Tsewie Hirsch Aschkenasie (Chacham Tsewie)," Centraal Blad voor Israeliten in Nederland, November 28, 1924, p. 9.

<sup>2</sup>Megillat Sefer, p. 25; David Moses Sluys, Beelden uit het leven der Hoogduitsch-Joodsche Gemeente te Amsterdam in het begin der 18e eeuw (Amsterdam, 1925), p. 16.



be in our midst. We will not deviate to the right or to the left from all that you shall teach us and let no longer the Congregation of Israel be as sheep that have no shepherd."<sup>3</sup>

The original letter--written in Judeo-German--is not extant. In the communal archives there has been preserved a copy of a translation attested to before a notary named Jan Snoek on October 19, 1715. The translation was made by Solomon Levi Norden and Solomon Isaac Cohen at the request of Hakam Zebi, named variously in the official Dutch documents as Hartog Jacobs and Tsebi Hart.

The parnasim proposed to give Hakam Zebi a yearly salary of 300 RD (Reichsdaalders) in addition to a free residence and certain established emoluments such as fees in civil suits, etc. In their letter they noted that they numbered among them men of wealth and that a higher income could be provided.<sup>4</sup> Hakam Zebi refused to accept the initial offer, deeming a salary of 300 RD to be insufficient for his needs unless supplemented by the honorariums and gifts of individual householders.<sup>5</sup> He insisted on maintaining complete freedom of action and hence refused to be dependent upon such fees and gifts. After negotiations a final agreement was reached.

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<sup>3</sup>The Dutch text is quoted by Hillesum, loc. cit.  
 Cf. the Hebrew text in Wagenaar, Toledot, Appendix I-kk.

<sup>4</sup>Sluys, Beelden, pp. 3 and 14; Hillesum, loc. cit.

<sup>5</sup>Megillat Sefer, p. 27.

Ashkenazi was to receive an annual remuneration of 1000 RD-- the equivalent of 2500 Dutch guilders--and an official residence. The above mentioned fees were to remain obligatory from the viewpoint of the community. The question of their acceptance was left to Hakam Zebi's discretion.<sup>6</sup>

Ashkenazi and his family commenced the journey to Amsterdam at the end of the winter of 1710. En route they passed through Hanover where Hakam Zebi served as arbitrator in an inheritance suit between the widow of Hertz Hanover and her son-in-law Seligmann Cohen. This case was protracted and

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<sup>6</sup>Sluys, Beelden, p. 15. In their letter the parnasim promised Hakam Zebi "a home in which to dwell permanently, a princely mansion close to the synagogue. However, Ashkenazi's household consisted of some 19 or 20 people and the quarters prepared by the congregation proved to be inadequate. Hakam Zebi, therefore, sublet the communal residence and leased larger accommodations for his family in the Zwanenburgerstraat. Ibid., p. 39, n. 22. Regarding the location of the apartment set aside by the kehillah, vide the polemic between Hillesum, "Waar in de Jodenwyk te Amsterdam was de eerste woning von Chacham Tsewie gelegen?" Centraal Blad, January 30, 1925 and Sluys, "De ambtswoning van den Opperrabbijn Gacham Tsewie," ibid., February 13 and Hillesum's reply, ibid., February 27, 1925. According to Emden, Megillat Sefer, p. 27, the new residence involved an expense of 500 guilders per annum and the community did not subsidize the rental. In this respect Emden's account is inaccurate. At the time when Hakam Zebi expressed the desire to move the Sephardic parnasim were engaged in the preparation of the new statutes and their advice was sought by the Portuguese authorities the Ashkenazic parnasim granted Hakam Zebi permission to sublet the kehillah dwelling. Moreover, at a gathering of August 31, 1711, the parnasim decided partially to defray the cost of adequate living quarters by an additional grant of 300 guilders to begin as of May 7, 1712. Sluys, Beelden, pp. 18 and 23; Hillesum, Centraal Blad, January 30, 1925, p. 7.

Hakam Zebi was to make several attempts to settle it.<sup>7</sup> Owing to the stringency of the weather conditions the portion of the journey from Hanover to Holland was strenuous. Arriving in Amsterdam in March, Hakam Zebi was welcomed with enthusiasm and acclamation by both the Sephardic and Ashkenazic communities.<sup>8</sup> Emden describes the difficulties of orientation to the new home with its different climate, customs and mode of life.<sup>9</sup> Before there was an opportunity for the newcomers to accustom themselves to their surroundings, they were engulfed by a stream of quarrels and struggles the source of which may be traced to the early history of the community.

A. Historical Background of the Ashkenazic Community

The Dutch capital from the middle of the 17th century, was the leading financial and intellectual center of the West.

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<sup>7</sup> Megillat Sefer, pp. 12-13. Hertz Hanover, prominent leader of the Hanover community, had offered to support Hakam Zebi financially but the latter--then rabbi of the Altona Klaus--had refused to accept Hanover's generosity. Following the demise of Hertz Hanover in 1709, his widow sought Hakam Zebi's assistance in her dispute with Seligmann Cohen. Ashkenazi again offered counsel in 1710 and once more, four years later. Ibid., p. 37. For a discussion of the background of the disputants vide David Kaufmann, "Zu R. Jakob Emdens Selbstbiographie," Gesammelte Schriften, III, 145-6.

<sup>8</sup> Megillat Sefer, p. 25.

<sup>9</sup> Ibid., p. 57.

As the poet Vondel wrote in lyrical praise, "So schijnt de werelt gans om Amsterdam gebout die als Kayserin de Croon draeght van Europe."<sup>10</sup> As the principal storehouse of merchandise, the chief emporium for Indian goods and the focal point of the money trade Amsterdam was the greatest center of commerce in Europe. Business and trade were dominant in the community and the civic government was in the hands of the affluent merchants. The wealth of Amsterdam was based on trade and on the city's advantageous location in serving as carrier for the European nations, rather than on natural resources. A warm welcome was accorded to the Jews because their long experience as merchants, their well established international connections and their credit facilities throughout Europe were all of infinite value to a developing commercial metropolis. By mid-century when Amsterdam reached the pinnacle of its power the Spanish Jews who formed 1-1/2% of the total population were considerably wealthy and exerted a measure of influence on the economic life of the republic. They were leading traders and settlers in the Dutch colonies, took an active part in the publishing, sugar refining and spice trades, and virtually controlled the diamond and jewelry industries. Taking advantage of the benefits of freedom of religious worship and a great degree of internal autonomy the

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<sup>10</sup>Cited by H. Brugmans, "De houding van staat en kerk ten opzichte van de Joden; hun betrekkingen tot de overige bevolking," Geschiedenis.

Jewish community flourished and played a significant role in the life of this great center.<sup>11</sup> Aptly described as the "New Jerusalem"<sup>12</sup> the Amsterdam community was internationally renowned for its cultural and economic prominence and was recognized as one of the most influential of all Jewish kehillot.<sup>13</sup>

The first organized Jewish settlement in Amsterdam was Sephardic consisting of Maranos predominantly of Portuguese origin.<sup>14</sup> Since many of the Sephardim had brought along capital and material possessions the community was prosperous from the outset and gained rapidly in affluence.<sup>15</sup> Soon thereafter an Ashkenazic congregation was established but could not compete in wealth with its sister community.<sup>16</sup>

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<sup>11</sup>Herbert I. Bloom, The Economic Activities of the Jews of Amsterdam in the 17th and 18th Centuries (Williamsport, 1937), pp. XIV-XVIII and p. 203.

<sup>12</sup>Johann Jacob Schudt, Jüdische Merckwürdigkeiten (Frankfort and Leipzig, 1714-18), I, 271.

<sup>13</sup>In the eighteenth century the Amsterdam community was also the largest Jewish community in Europe. Bloom, p. 203, n. 4.

<sup>14</sup>A. M. Vaz Dias, "De stichters von Beth Jaacob," De Vrijdagavond, VIII, December 25, 1931, pp. 195-6.

<sup>15</sup>Bloom, p. 10.

<sup>16</sup>A comparison of the taxation figures illustrates the vast difference in wealth between the two communities. In 1631, 48 Sephardim had an annual income of over 1000 guilders. Several had an estimated capital of 50,000 guilders. Vide, Bloom, p. 11, n. 54. In 1674, the wealthiest member of the Sephardic community had a capital estimated at 231,000 guilders; the wealthiest of the Ashkenazim possessed a capital estimated at 3,000 guilders. That year 245 members of the Portuguese community were subject to payment of taxes by comparison to only eleven of the Ashkenazic congregants. Vaz Dias, "Over

Nevertheless, the position at the head of the Ashkenazic community offered to Hakam Zebi in the early part of the 18th century was a coveted one in rabbinic circles. From meager beginnings the kehillah had risen gradually in stature and prestige until it came to be considered on a par with the more powerful Sephardic community.

Individual German Jews had come to the Netherlands as traders in the 13th and 14th centuries. These inhabitants were however exiled in the 16th century by edict of Charles V.<sup>17</sup> Toward the end of the century the Amsterdam government permitted Marano settlement within its borders and a Sephardic congregation was soon founded.<sup>18</sup> Before long there was a steadily increasing stream of Ashkenazic immigrants as well. Following the persecutions in Worms and Frankfort (1615-1616) and during the period of the Thirty Years War (1618-1648) fugitives from Germany came to Holland seeking a haven in the land where their Spanish and Portuguese brethren had found peace and shelter. The first divine services of the German community were held on the Day of Atonement, 1635, in

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den vermoegenstoestand der Amsterdamsche Joden in de 17e und 18e eeuw," De Vrijdagavond, VIII, July 3, 1931, p. 218.

<sup>17</sup>Bloom, pp. 1 and 24. There was some Jewish communal life in the northern part of the Netherlands in the 13th and 14th centuries and there were a considerable number of Jews who settled in Brabant, Zeeland, Flanders, Nijmegen and Utrecht. Vide Jac Zwarts, Hoofdstukken uit de geschiedenis der Joden in Nederland (Zutphen, 1929), pp. 1-39.

<sup>18</sup>Bloom, p. 13, notes the first official mention of the Sephardic congregation in 1606.

the home of one Anshel Rood.<sup>19</sup> Shortly thereafter, the community purchased its own burial ground in Muiderburg.<sup>20</sup> For a brief span of time the congregation met in rented quarters; in 1646 plans were made for a new synagogue, but it is not certain whether the building was completed. In 1648 the town council forbade the community to erect an abattoir and to build a synagogue. Probably the synagogue proper was built finally although permission for erection of a slaughterhouse was not granted until 1672.<sup>21</sup> Meanwhile the kehillah was flourishing and it was necessary to provide a larger house of worship. On the first day of Passover, 1671, the Great Synagogue was formally dedicated by the Chief Rabbi Isaac Deckingen. The edifice was designed by the accomplished architect, Daniel Stalpaert, and construction was completed 15 years later in 1686.<sup>22</sup>

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<sup>19</sup>Menahem MarnAmelander, Seerith Israel, trans. into Dutch by L. Goudsmit, with notes by G. I. Polak (Amsterdam, 1855), p. 555.

<sup>20</sup>J. I. Mulder, Iets over de begraafplaatsen der Nederlandsch-Israelitische Gemeente te Amsterdam (Amsterdam, 1851), p. 3.

<sup>21</sup>Bloom, pp. 27-28, points out that the prohibition against building this synagogue was probably occasioned by the intolerance of the Protestant clergy. For a discussion of the governmental sanctions for consensual endeavors vide Brugmans, Geschiedenis, pp. 623-4. Cf. the viewpoint of Sluys, De oudste synagogen der Hoogduitsch-Joodsche Gemeente te Amsterdam (1635-1671) (Amsterdam, 1921), p. 12.

<sup>22</sup>Regarding this synagogue vide ibid., pp. 16-23.

In the wake of the Cossack uprisings (1648-1655) persecuted Jews fled Poland and Lithuania by the hundreds and many of them came by sea to Holland. The Spanish and German communities received their fellow Jews hospitably, rendering them every financial and moral assistance.<sup>23</sup> Relations were not to remain amicable; differences in synagogue customs led to a split within the ranks of the Ashkenazic community.<sup>24</sup> The Polish immigrants founded a separate congregation, erected their own synagogue and purchased their own cemetery. However, owing to complaints and dissension among the different groups of Ashkenazim, the city government forbade the Polish community to maintain these separate communal institutions. It was the opinion of the magistrates that the number of disputes would be reduced if the two communities were to be combined. This edict was obeyed and a union of the two groups was effected in 1673 in an atmosphere of cooperation. The Vilna scholar, Judah Leib

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<sup>23</sup>Cf. the description of the flight of the Jews of Vilna and the arrival of many of the fugitives in Amsterdam as portrayed by Moses Ribkes, Beer ha-Golah, commentary on the Shulhan Aruk, Orah Hayyim (Amsterdam, 1661), Introduction.

<sup>24</sup>For differences between the German and Polish communities vide Sluys, "Hoogduits-Joods Amsterdam van 1635 tot 1795," Geschiedenis, pp. 322-6; idem, "Bijdrage tot de geschiedenis van de Poolsch-Joodsche Gemeente te Amsterdam," Feestbundel ter gelegenheid van den zeventigsten verjaardag van L. Wagenaar (Amsterdam, 1925), pp. 137-158.



ben Solomon, who had presided over the Polish congregation, was called to the chief rabbinate of Rotterdam.<sup>25</sup>

### 1. Economic Development

A comparison of the cost of the synagogues of the Sephardic and Ashkenazic communities shows the vast difference in the economic status of the two groups. Erection of the Portuguese house of worship required an outlay of 186,000 guilders, of which 40,000 was raised on demand. The cost of the Great Synagogue was estimated at 33,000 guilders.<sup>26</sup> By background, inclination and occupation the German Jews formed a striking contrast to their aristocratic Portuguese co-religionists. In their homelands the Ashkenazim had been accustomed to a far more restricted manner of life. Their livelihood was derived mainly from money lending and petty trade.<sup>27</sup> The East European Jews had arrived in such large numbers that the Ashkenazic communities, despite the best of intentions, were unable to absorb all of them and hence they financed the relocation of many immigrants.<sup>28</sup> Though most of the fugitives arrived in a state of poverty and destitution, some individual Polish Jews may have been well situated

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<sup>25</sup>Sluys, Geschiedenis, p. 330.

<sup>26</sup>Bloom, p. 29.

<sup>27</sup>Cf. Sigmund Seeligmann, "Die Juden in Holland; eine charakteristik," Festkrift i Anledning af Professor David Simonsens 70-aarige Fødselsdag (Copenhagen, 1923), p. 254.

<sup>28</sup>Cf. Ribkes, loc. cit.

financially as evidenced by the fact that the Polish community was able to finance the building of a synagogue soon after their arrival. But their influence was negligible by comparison to that of the prosperous Sephardic Jews.<sup>29</sup> Some of the Sephardim functioned in the community as diplomatic and commercial attaches. The Ashkenazim on the other hand, were traditionally unconcerned with matters beyond the pale of the Jewish community.<sup>30</sup> They followed humble occupations and formed the kernel of the Jewish proletariat. A number took positions as servants in the Portuguese households and were employed as messengers or menial workers for the Sephardic Jews.<sup>31</sup> In spite of a constant influx of indigent immigrants, the German community gradually prospered. In the days of William III, they shared the fortune of the Sephardim in commercial endeavors and soon surpassed them in numbers. In 1720 the Ashkenazic population was estimated at 9,000.<sup>32</sup> Increasingly, the Ashkenazim began to be active in trade. Where there were no guilds, as in the silk industry and sugar refining, they participated in business enterprises. The German Jews played an important role in the tobacco trade in

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<sup>29</sup>Bloom, p. 26.

<sup>30</sup>Ibid., pp. 209-10.

<sup>31</sup>Ibid., pp. 30, 41 and 61.

<sup>32</sup>Ibid., p. 210.

particular,<sup>33</sup> as well as in the growing diamond industry. The marked progress in the financial situation of the Ashkenazim is clearly evident upon a comparison of tax statistics, lists of merchants, and registers of bank holdings.<sup>34</sup>

## 2. The Rabbinate and Its Problems

With the building of the Great Synagogue the Ashkenazic community entered into a new phase of development. The kehillah flourished and the position of chief rabbi was filled by men whose fame extended far beyond the confines of their own city.<sup>35</sup> As was the case in most communities of Western Europe, the majority of Ashkenazic rabbis of Amsterdam were of East European origin.<sup>36</sup> During the ministry of Meir ben Judah Stern of Fulda, a noted Kabbalist, the Ashkenazim instituted an independent Bet Din.<sup>37</sup> When the Bible was

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<sup>33</sup>J. G. Van Dillen, "De economische positie en betekenis der Joden in de Republiek en in de Nederlandse koloniale wereld," Geschiedenis, pp. 570-73. Cf. also Vaz Dias, "Een vergeten hoofdstuk uit de economische geschiedenis der Amsterdamsche Joden," De Vrijdagavond, VII, June 13, 1930, pp. 151 ff.

<sup>34</sup>van Dillen, Geschiedenis, p. 583.

<sup>35</sup>A list of the chief rabbis of the Ashkenazic congregation and their dates of office is found in Sluys, De ambtsdata van de oudste Opperrabbijnen bij de Hoozduitsche Gemeente te Amsterdam (Amsterdam, 1917), pp. 21-23.

<sup>36</sup>Cf. J. S. Raisin, The Haskalah Movement in Russia (Philadelphia, 1913), pp. 33-34.

<sup>37</sup>Sluys, Ambtsdata, p. 16.

printed in Amsterdam in 1678 with an accompanying Judeo-German translation, Meir Stern acted as advisor to the scholars engaged in this task.<sup>38</sup> His successor, David Lida, formerly chief rabbi of Mayence, is known to posterity as the author of numerous scholarly works. Among them are Migdal Dawid, a commentary on the Book of Ruth (Amsterdam, 1680); Dibre Dawid, a book on morals (Lublin, n.d.); 'Ir Dawid, a collection of homilies (Amsterdam, 1719); Hilluke Abanim, a commentary on Rashi to the Pentateuch (Fürth, 1693); and Be'er 'Esek, a polemic against opponents in Amsterdam who had accused him of plagiarism and Shabbethaian leanings (Lublin, 1684).<sup>39</sup> Following Lida's departure from Amsterdam,<sup>40</sup> the

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<sup>38</sup>Dambitzer, I, 52a, note and 97a, note; Graetz, X, 298.

<sup>39</sup>In his youth Lida also served as spiritual leader of several Polish cities as well as Zwolin, Ostrog and Lida, Lithuania. In addition to these and other works, Lida composed a commentary on the Shulhan Aruk, Orah Hayyim. Entitled Be'er Mayim Hayyim and highly praised by Lida's contemporaries this work was never published and nothing is known of the whereabouts of the Ms. Dambitzer, I, 68a.

<sup>40</sup>Lida left Amsterdam for the second and final time in 1685. He settled in Lemberg where he passed away November 22, 1696. Of the many cities in which he had served as rabbi the name of only that of Amsterdam is mentioned on his gravestone. Sluys, Geschiedenis, p. 341. For Lida's life vide Aaron Freimann, "Ra b Dawid Lida we-Hiztadkuto be-Be'er 'Esek," Sefer Hayobel lekbed Nahum Sokolow (Warsaw, 1904), pp. 455 ff.

Portuguese hakamim temporarily took over the rabbinical functions in the Ashkenazic community.<sup>41</sup> Then Moses Judah ben Kalonymous Cohen, known as Leib Harif, was nominated as chief rabbi. For over twenty years he presided over the congregation during a period of communal productivity and prosperity. Prominent in his generation, Harif left little in writing.<sup>42</sup> Chosen as Harif's successor, Saul of Cracow passed away in Glogau, May, 1707 on the way to Amsterdam.<sup>43</sup> For a year and a half the rabbinical duties were discharged by Judah Leib ben Ephraim Ansel of Rotterdam. Subsequently these duties were shared with three other rabbis.<sup>44</sup> At the end of 1708 a new chief rabbi was appointed--Aryeh Judah Kalisch, author of the Hiddushei Gur Aryeh. For 22 years Kalisch had headed a Talmudical academy in Lubsenz;<sup>45</sup> in

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<sup>41</sup>Sluys, Geschiedenis, loc. cit.

<sup>42</sup>A responsum written by Harif is found in Eliakim Götz, She'elot u'Teshubot Eben ha-Shoham (Dyhernfurth, 1733), no. 36. Another responsum of Harif's is included in the Teshubat ha-Geonim, pp. 7b-8a.

<sup>43</sup>Sluys, Geschiedenis, p. 342. Some 30-odd years later Saul's son Aryeh Leib--son-in-law of Hakam Zebi--was appointed to the same position. Ibid., p. 368.

<sup>44</sup>Dembitzer, I, 98a, note. Kaufmann notes that Judah Leib ben Ephraim Anshel has been mistakenly identified as the uncle of Hakam Zebi. The latter was named Judah Leib ben Ephraim ha-Cohen of Ofen. Transactions, III, 122, n. 12. Judah Leib ben Ephraim Anshel served as the first rabbi of the Hambro Synagogue in London. Subsequently he became chief rabbi of Rotterdam and for a brief period was acting chief rabbi of Amsterdam. Solomons, Transactions, XII, 94-96.

<sup>45</sup>Dembitzer I, 98b, note.

Amsterdam too he devoted his efforts to the establishment of a Yeshiva. However, he was vouchsafed little opportunity to develop this institution for he passed away barely a year and a half after entering office.<sup>46</sup> In the interim, between the demise of Kalisch and the election of Hakam Zebi as chief rabbi, Judah Leib ben Ephraim Anshel once more fulfilled the rabbinical functions.<sup>47</sup>

These spiritual leaders had not, however, been enabled to discharge the duties of their office in an atmosphere of tranquility. For generations the position of chief rabbi had been surrounded with contention, albeit often of a trifling nature. From its inception the kahillah seems to have been permeated with dissension and lack of harmony. One can reconstruct the picture of the internal life of the burgeoning community from the annals of the Ashkenazim as preserved in the protocols of the congregation and from the notarial records in the city archives. The composition of the congregation was heterogeneous. Differences in language and synagogue customs abounded and a quarrelsome spirit prevailed which the somber economic plight of the German immigrants did not serve to alleviate. As early as 1635 there is an official record of a quarrel between members of the

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<sup>46</sup> Loc. cit.; Amlander, p. 563; Sluys, Geschiedenis, p. 343.

<sup>47</sup> Solomons, Transactions, p. 95.

congregation and its elders. The dispute was settled by the burgomasters of Amsterdam following consultation with the Portuguese parnasim.<sup>48</sup> The first chief rabbi, Moses Weil of Prague,<sup>49</sup> took office at an inauspicious time. During his brief tenure the community was beset by financial difficulties and personal strife. In the early documents there are several indications of pettiness and quibbling on the part of the congregants. Weil had continual arguments with the parnasim--then known as memmonim. These disagreements were finally settled by recourse to outside intervention in one instance by the Portuguese hakam, in another by Rabbi Sheftel Horowitz who, by chance, was then visiting Amsterdam.<sup>50</sup> The arrival of the East European Jews was accompanied by a period of strained relations and one notes frequent altercations between the German and Polish congregations. It is

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<sup>48</sup>Bloom, p. 28. Cf. Sluys, Geschiedenis, pp. 309-311.

<sup>49</sup>Amelander, p. 556. Sluys, Ambtedata, p. 5, gives his full name as signed on a document dated April 15, 1640:  
 'ר משה בן לא"א חח"ר יעקב וועלא ז"ל"ה"ה מפראג.

<sup>50</sup>Sluys, ibid., pp. 6-9. Rabbi Shabbethai Horowitz--generally styled R. Sheftel--was chief rabbi of Frankfort-am-Main and later of Posen. He was the son of the famed Kabbalist, R. Isaiah Horowitz, known as the Shelah ha-Kadosh, author of the Shene Luhot ha-Berit (Amsterdam, 1649).

likely that the one-time chief rabbi of the German community, Abraham ben Joshua of Worms, was for an interlude rabbi of the Polish congregation but that he resigned from this office on account of the ill-feeling of his former congregants toward the Polish population.<sup>51</sup> During the tenure of David Lida community dissension reached a peak. The hostilities began immediately upon Lida's arrival in August, 1680. By July, 1681, he needed the official protection of the parnasim from open antagonism and opposition in the community. The following year two of his more outspoken opponents were denied permission to attend synagogue services whereupon they appealed to the civil authorities for relief. Subsequently, the dissident faction gained the upper hand and David Lida left Amsterdam. As a result of the intervention of the Synod of Four Lands on his behalf, a temporary reconciliation was effected and Lida returned to Amsterdam. A radical change had not, however, taken place in the attitude of the communal leaders and the atmosphere remained inimical to Lida who departed once more in 1685.<sup>52</sup> Internal schisms also marred the ministry of Aryeh Kalisch. Appointment of an associate cantor spurred a bitter feud which splintered the community

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<sup>51</sup>Ibid., pp. 12-13.

<sup>52</sup>Ibid., pp. 17-18. Two years later Lida was awarded the sum of 200 RD in compensation for having been deprived of the position.



into warring factions. The constant agitations affected the health of the chief rabbi. Emden reports that on Shabbat Shuva, 1709, there occurred a public dispute in the synagogue and violence ensued. As a result Kalisch became ill and on November 9 he passed away.<sup>53</sup> The occurrence of disturbances in the synagogue at this time is confirmed by legislation of December 19, 1709. It was resolved that all who had participated or had been involved in the strife be fined in accordance with the verdict of the Bat Din and the Council of Parnasim.<sup>54</sup>

As can be seen this cursory outline dissension and discord were features of the communal life of the Ashkenazim. They were not a self-sufficient group and frequently brought their problems to the Sephardic authorities or to the civic government. The incumbency of Hakam Zebi was to be characterized by such dissension and in his case too the petty quarrels were to be brought before both the Portuguese ma'amad and the Dutch magistrates.

## B. Early Quarrels

### 1. Contract

Shortly after his arrival in Amsterdam, Hakam Zebi clashed with the parnasim regarding the duration of his

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<sup>53</sup>Megillat Sefer, p. 28.

<sup>54</sup>Sluys, Beelden, p. 9.

contract. Acute disagreement over this fundamental matter was to be a recurring factor underlying the subsequent quarrels. At the behest of the parnasim the scribe, Pinhas Jacobs,<sup>55</sup> drew up the contract for a three year period. The document was dated Friday, 9 Shebat--the day that the news of the appointment had reached Hakam Zebi.<sup>56</sup> According to the testimony of the scribe recorded later before a notary, Johannes van Villekens,<sup>57</sup> Hakam Zebi had himself prepared another version of the contract in which the term of office was specified as six years. The scribe claimed that on account of pressure from Ashkenazi he had copied the contract in compliance with the latter's emendations. When he had submitted this document to the authorities a sharp altercation had ensued between Hakam Zebi and the parnasim. Finally the issue was settled in accordance with the wishes of the parnasim. The letter  $\text{w}$  was interpolated into the already prepared text, thus transforming  $\text{ww}$  to  $\text{w}^2\text{w}$ . At the conclusion of the contract the scribe had entered the phrase, included

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<sup>55</sup>Referred to in the documents as Pinhas Jacobs, Pinhas ben Eliakim (died November 28, 1749) became secretary of the kehillah on October 31, 1709. He wrote the letters of appointment sent to Zebi Ashkenazi, Abraham Berliner and Aryeh Leib ben Saul. Sluys, "De Protocollen der Hoogduitsch-Joodsche Gemeente te Amsterdam," Bijdragen en Mededeelingen van het Genootschap voor de Joodsche Wetenschap in Nederland, IV (1938), 122.

<sup>56</sup>Sluys, Beelden, p. 16, points out that an incorrect date is given in the documents, namely, Friday, 10 Shebat. In the year 5470, 10 Shebat fell on a Saturday. Emden, Megillat Sefer, p. 25, writes that his father received the letter of appointment on a Friday.

<sup>57</sup>vide, inpra., p. 87.

in the first letter to Hakam Zebi "Unto eternity may he lead us; in his light may we walk unto eternity."<sup>58</sup> Again the scribe averred that he had inserted these words only at the unrelenting insistence of Ashkenazi who had threatened him with the ban. In his own handwriting Hakam Zebi added that the three years stipulated were to begin as of 8 Adar II. Temporarily shelved, the issue over the contract was reopened two years later and became the basis of an open quarrel that was to result in litigation in the civil courts.<sup>59</sup>

## 2. Cantors

Rivalry between the two cantors was still keen at the time that Hakam Zebi assumed office. The previous year partisanship on this issue had caused a complete rift in the community, culminating in the open riots which had harassed the last days of Aryeh Leib Kalisch. The followers of the cantor Leib under the leadership of Aaron Abrahamsz. Polak (Gokkes) and Simon Abrahamsz. Polak (Gokkes) comprised the more powerful faction. The supporters of the other cantor, Yehiel Mikhal of Lublin, were far less affluent.<sup>60</sup> The following is a summary of Emden's account of the struggle. The

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<sup>58</sup>Cf. The Dutch text, Sluys, loc. cit. and the Hebrew text in Wagenaar, Toldot, Appendix, II.

<sup>59</sup>The question of the length of the contract is mentioned by Hayyun, Ha-Zad Zebi, Introduction:  
 כִּי כְחוּב בְפִטְרוֹ שֶׁל שָׁנִים כְּשֵׁנִי עָרְלָה וְהַסּוֹפֵר לִיפּוֹחַ לְשׁוֹנוֹ הָאֲרִיךְ דְּכִרְוֹ  
 וַיְהִי לְכַסְלָה שֶׁכָּחַב כְּסוּף הַשָּׁטֵר הוּא יִנְהַגְנוּ עֲלֵמוֹת וּלְפָנָי הָעֲרֻכָאוֹת כֻּלָּם  
 עוֹמְדִים.

<sup>60</sup>Sluys, Beelden, p. 9.

hatred between the two parties was more virulent than that of enemy nations. The prosperous group spent considerable sums of money in bribery, utilizing both their own capital and congregational funds. Taking advantage of their official positions of authority in the community, they oppressed their weaker opponents, seeking to prevent them from holding congregational office and participating in synagogue ceremonies. Eagerly they sought the favor of the new chief rabbi. Even before Ashkenazi came to Amsterdam, they sought to win him over to their side. Through the mediation of the sexton they approached Hakam Zebi and offered him the outright sum of 20,000 gold pieces if he would aid them. Ashkenazi replied that he could render no decision before hearing the viewpoint of both sides. Upon arrival in Amsterdam Hakam Zebi aligned himself with Yehiel Mikal's supporters. Thereupon, Leib's faction became his bitter foes and it was they who sought to terminate his contract after three years. However, their attempts were foiled and their leaders Judah Prins, Aaron Polak and Zalman Kuperns were removed from their posts on the Council of Parnasim. Ashkenazi was victorious over his detractors largely because he had acquired the friendship and loyal support of the Sephardim and had gained the respect of the civil authorities. Nevertheless, Emden concludes his account, enmity in the community was not extinguished, the three ex-parnasim waited for an opportunity to strike in

revenge and "the embers of struggle and quarrel glowed beneath the ashes."<sup>61</sup>

The description given by Emden is an exaggerated one. Certainly there was a longstanding quarrel with regard to the cantors. The matter had already been a subject of contention during the rabbinate of Leib Harif. An official proclamation dated June 21, 1700 and signed by the parnasim and chief rabbi stated that so great were the disturbances in the synagogue that the services were completely disrupted. "We have noticed the great commotions . . . on account of the question of the cantors. . . . And alas, the disputes become worse each day. . . . Woe for the same and contumely of our community. Woe to the ears that hear it and woe to us who must feel shame before the Christians who enter the synagogue and see there the desecration of G-d's name." Accordingly, a strict resolution was passed regarding behavior in the synagogue. Severe punishments and fines were to be imposed for disorderly conduct and frivolity with regard to the cantors.<sup>62</sup> The disagreement was apparently a question of an innovation in the manner of the singing of the liturgy. Yehiel Mikal was the first cantor to be accompanied by two singers

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<sup>61</sup>Megillat Sefer, pp. 29-30. Emden refers to Aron Abrahamsz. Polak and Simon Abrahamsz. Polak as the Gokkes brothers.

<sup>62</sup>Sluys, Beelden, pp. 11-12.

and this practice seems to have stirred opposition.<sup>63</sup> Shortly before Hakam Zebi's appointment this dispute erupted anew. The protocols mention repeated occasions on which Yehiel Mikal was called before the parnasim regarding the infringement of the regulations. Several times he ignored these summonses and risked the displeasure of the authorities. On October 20, 1709, the accompaniment of the cantor by a bass singer was forbidden and another warning pronounced against disturbances in the services.<sup>64</sup> The sexton may have played a role in the discussions as asserted by Emden. This sexton, Levi Assers Rosenkrants, was married to the sister of the cantor Leib and it is likely that he intervened on behalf of the wealthy faction and sought to induce Hakam Zebi to advocate the established liturgical modes.<sup>65</sup> Emden's report regarding the deposition of the three parnasim who were the outspoken enemies of his father is corroborated by the city records. At a resolution of the burgomasters, May 28, 1710, verbally transmitted to the parnasim on May 30, the parnasim Aaron Abrahamsz. Polak and Judah Prins and the

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<sup>63</sup>Sluys, Geschiedenis, p. 342. For a description of the development of this issue and its resolution in 1754 vide L. Hirschel, "Cultuur en volksleven," ibid., p. 488. The cantor Leib b. Wolf was hired in 1685. His family had a record of cantorial service in the community, the second cantor, Yehiel Mikal hailed from Lublin. He was hired by the congregation in 1700 and presumably left Amsterdam in 1712. Sluys, Oudste, p. 27.

<sup>64</sup>Sluys, Beelden, p. 13.

<sup>65</sup>Ibid., pp. 11 and 13. For identification of the sexton, cantors and parnasim then in office vide Mulder,

assessor Solomon Cohen de Jonge were removed from office. This action is further confirmed by the list of parnasim in office in the year 5470 from which their names are struck out, and the ex-parnasim Samson Boas, Eliezer Emrich (Gomperts) and Jacob Wimpfe are named as their replacements.<sup>66</sup> In view of this occurrence the reason for the subsequent opposition of these men to Hakam Zebi is obvious.

### 3. Shohet

Emden records another case of conflict shortly after Hakam Zebi's arrival. In honor of Hakam Zebi's installation the congregation had prepared a communal banquet. Hakam Zebi refused to partake of the meal before examining the shohet. Emden refers to the shohet by name as Reb Leizer and states that he had held the post for many years. Upon testing Reb Leizer, Ashkenazi declared that the shohet had lost his sensitivity and was incapable of examining the ritual slaughtering knife. At Hakam Zebi's order the shohet was discharged from his position. From this time forth the former shohet and his numerous friends and relatives nursed an implacable hatred for the rabbi.<sup>67</sup> The community

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"Rene zeldzame medaille," Nederlandsch-Israelitisch Jaarboekje (Gravenhage, 1859), pp. 43-44.

<sup>66</sup>Hillesum, Centraal Blad, January 9, 1925, p. 11; Sluys, Beelden, p. 16. Sluys notes that the assessor is named "Samuel Cohen" in the official records. In Sluys' opinion, ibid., p. 39, note 19, this is an error; Samuel Cohen was one of Hakam Zebi's allies.

<sup>67</sup>Megillat Sefer, p. 26.

chronicles do indeed indicate that there were difficulties with regard to the shehita, but the facts do not bear out Emden's version of the case. The week before the arrival of Ashkenazi a new shohet was engaged only to be dismissed five days later. Emden is also wrong in his contention that his father's order redounded to the financial benefit of the community in that whereas Reb Leizer had received a yearly salary of 400 guilders, the new shohet bought the rights for 1000 RD. The protocols note that on 2 Adar II the shehita was leased to Gumprich ben Ephraim Riene for 1500 guilders annually, the parnasim Selig and Solomon Cohen serving as guarantors. Beneath this contract there is another entry--dated 7 Adar II, a day before Ashkenazi came to the city--stating that another shohet had been engaged.<sup>68</sup> Emden's claim that at his father's advice the proprietorship of the ritual bath was sold is also incorrect.<sup>69</sup> There is a memorandum dated February, 1710, regarding one Hershel Charleville to whom the mikwah was leased. Apparently the community had access to the profits of both the shehita and the ritual bath and despite these sources of income was constantly beset by financial difficulties.<sup>70</sup>

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<sup>68</sup>Hillesum, Centraal Blad, December 19, 1924, p. 3.

<sup>69</sup>Megillat Sefer, p. 27.

<sup>70</sup>Sluys, Beelden, pp 14 and p. 39, n. 17.



C. The Takkanot of 1711

During this entire period continual discord among the parnasim became so intense that outside intervention was warranted. At a meeting of January 3, 1710, presided over by Judah Prins--then still in office--and at which two parnasim of the Portuguese community participated, the following takkanot were promulgated. Only with a majority of votes of the full gathering of parnasim would it be permissible to place an individual under the ban, to revoke a member's privileges or to make official announcements to the magistrates and to dismiss the sextons or cantors. It was further resolved to draw up new statutes for the improvement of the communal administration. The arrival of Hakam Zebi in the following month, as we have seen, did not help to restore harmony. Shortly thereafter, a quarrel again broke out--this time regarding the dismissal of the sexton, Simon Hartogsz. Cohen. The misdeed of which Cohen was accused is not a matter of record. However, later as a condition of reinstatement in his position he was required to take an oath never again to be lax regarding the honor of the rabbi and the parnasim. The dismissal was decided by a majority vote of those present but not with a majority of the full complement of parnasim as stipulated in the takkanah of January 23.<sup>71</sup> The dissenting

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<sup>71</sup>Sluys, Beelden, p. 16.

members of the Council were militantly opposed to the decision. Noted in the protocols is an attempt on the part of Hakam Zebi on June 20 to reestablish unity among the parnasim but in the face of all efforts at reconciliation the minority remained obdurate. They appealed to the city council who in turn referred the matter to the Sephardic authorities. Meanwhile no communal business could be transacted because the parnasim were at loggerheads regarding this dispute. Therefore on August 8, 1710, the Council of Parnasim appeared before the notary van Villekens and declared their unanimous decision to request the arbitration of the Sephardic ma'amad to terminate the quarrels with regard to the discharge of the sexton. Pledging to abide by the decision and arbitration of the Portuguese parnasim they further commissioned the said parnasim to draw up new regulations to be binding on the Ashkenazic congregation. Probably the Portuguese, mindful of the constant internal intrigues among the Ashkenazim, requested that a formal record of the proceedings be made before the notary.<sup>72</sup> The document was signed by 163 prominent members of the Ashkenazic kehillah, among them the parnasim and ex-parnasim. Sluys has pointed out that the two columns of signatures on this document represent the two opposing factions. The alignment within the community is worthy of mention. Hakam Zebi's

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<sup>72</sup>Emmanuel, Sefunot, IX, 215.

ally, Solomon Levi Norden, signed his name in the column of the majority group. Beneath those of the dissenting minority are found the signatures of Hakam Zebi's adversaries the three former parnasim Aaron Abrahamsz. Polak, Judah Prins and Solomon Cohen de Jonge. On September 23, the Sephardim announced an official settlement with regard to the sexton. He was to be reinstated in his office eight months following the enactment of the new statutes. On February 5, 1711, the Sephardic parnasim promulgated the new takkanot to which the burgomasters immediately accorded their official approval.<sup>73</sup>

The advent of the statutes of 1711 marks a milestone in the history of the Amsterdam Ashkenazim. These statutes which were the first printed regulations of the community consist of 113 articles. The original document was drawn up in both Dutch and Judeo-German. (The Judeo-German text numbers 112 articles.)<sup>74</sup> The main purpose of the new takkanot

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<sup>73</sup>Sluys, Beelden, p. 18.

<sup>74</sup>A copy of the takkanot is extant in the Judeo-German edition, however, a copy of the complete Dutch text has not been found. Ibid., pp. 5-7; Sluys, Geschiedenis, p. 345. For bibliographical notes on the editions of these takkanot, vide, Hillesum, Centraal Blad, December 19, 1924, p. 3. Although the statutes appeared in print in 1711, all copies seemed to have disappeared and only in comparatively recent times has this document been rediscovered. Sluys, Beelden, p. 36, advances the hypothesis that the Ashkenazic parnasim confiscated all copies of these statutes in an attempt to obscure the question of their conduct toward Hakam Zebi--behavior which might conceivably have been interpreted as a violation of the takkanot.

was the establishment of peace and harmony within the community. The first two articles exemplify the spirit of the entire proclamation. General amnesty was granted for all congregational offenses. All parnasim were to be reconciled publicly and they together with the ex-parnasim were required to pledge mutual brotherhood before the Holy Ark in the synagogue.<sup>75</sup> In some of the regulations one can trace the influence of the Portuguese advisors for many of the rulings parallel statutes of the Portuguese kehillah. Particularly striking is the decision to name the society for the study of the Torah Ez Hayyim and to call the Ashkenazic community itself Talmud Torah. These are the selfsame names used by the Sephardic community to denote the identical institutions. Under the provisions of article 24, a member of the German congregation was forbidden to attend services in the Portuguese synagogue. It is possible that this was included because it was the practice of those who were excluded from the Ashkenazic synagogue to pray among the Portuguese. Several articles clearly reflect the desires of the chief rabbi, Hakam Zebi. In all likelihood his wishes were heeded because the Portuguese parnasim who played the major role in the compilation of the regulations respected him highly. Article 23 forbade the conduct of divine services

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<sup>75</sup>The text of the first two articles is given by Hillesum, Centraal Blad, January 9, 1925, p. 11.

under private auspices but the same article provided that special dispensation be given to convene a minyan in the home of the chief rabbi, albeit not on Sabbaths or holidays. Article 8 recorded the occasions on which the rabbi was to be accorded the honor of shelishi at the Reading of the Law. No one but the chief rabbi was to officiate at a wedding or draw up a bill of divorce. In the event that the chief rabbi be indisposed, only an appointee of the parnasim might take his place (Art. 82). Article 81 specified the amount of money to which the rabbi was entitled for solemnizing a wedding. Most significant is Article 80 which in effect ratified the terms of the chief rabbi's contract. It was also noted that the rabbi accepted no honorariums for presiding at civil suits and therefore at no time should his salary be reduced below 1000 RD per annum. The influence of Hakam Zebi is clearly evidenced in Article 29 which specified the monies and provisions to be allocated for the maintenance of the Bat Midrash.<sup>76</sup>

As previously noted many of the regulations<sup>77</sup> mirror the discordant nature of the community and it was hoped that these takkanot would dispel the strife and dissension. However, in drawing up the new statutes the basic cause of

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<sup>76</sup>Sluys, Beelden, pp. 18-22.

<sup>77</sup>vide Articles 1, 2, 48 and 87 cited by Hillesum, loc. cit.

communal unrest--the unbridled power of the parnasim--had been ignored.

The Jewish populace of Amsterdam enjoyed almost complete autonomy exercising full control over their own community as long as there was no violation of Dutch law. The parnasim at the head of the kehillah government exercised an authority over individual congregants that was virtually absolute. It was the parnasim who interpreted the community statutes, often amending them arbitrarily to serve their own purposes and then obtaining the rubber stamp approval of the burgomasters as a matter of course. The parnasim wielded great influence on the officials of the municipal government and it was they alone who were recognized as official representatives in dealings with the civil magistrates. In executing the laws of the community, the power of the parnasim was practically unlimited. On occasion the parnasim abused these privileges and their autocratic ways aroused much resentment. They had recourse to several modes of coercion for the maintenance of discipline. They were free to impose fines and to deprive members of the right to attend the synagogue or to participate in congregational ceremonies. For severe infringement of the statutes, they resorted to social ostracism by means of the ban--herem. This ban was pronounced in the synagogue in the presence of the entire community in a solemn and awesome ceremony.

To impose the extreme punishment the consent of the city authorities was necessary.<sup>78</sup>

It is true that many advantages accrued to the community on account of the firm rule of the parnasim. Through organization the kehillah was enabled to consolidate its financial resources and function as a forceful economic group.<sup>79</sup> Compulsory participation on the part of the members in sharing the obligation of providing for the poor ensured the maintenance of adequate charitable services.<sup>80</sup> By virtue of its powerful self-government the community was able to preserve its synagogue, its institutions and its customs in their traditional form. These beneficial aspects notwithstanding the system had many drawbacks, chief among these being the non-democratic composition of the governing body. The concentration of power was in the hands of a firmly entrenched oligarchy; few newcomers were permitted to join the restricted circle of leaders. The results of elections were always known in advance since only a small group

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<sup>78</sup> Sluys, Beelden, pp. 7-8; idem, Geschiedenis, p. 335. A brief description of the organization of the Ashkenazic kehillah, its charitable institutions and methods of discipline is given by Jaap Meijer, Moeder in Israel: Een Geschiedenis van het Amsterdamsche Asjkenazische Jodendom (Haarlem, 1964), pp. 21-23.

<sup>79</sup> Bloom, p. 18 and ibid., n. 83.

<sup>80</sup> Cf. methods of enforcing charity collections in various communities and instances from Amsterdam takkanot cited by Israel Abrahams, Jewish Life in the Middle Ages (Philadelphia, 1896), pp. 315-18.

of people served as electors. The same people were elected and reelected over a period of years and for generations power remained in the hands of a few select families.<sup>81</sup> These families of parnasim deported themselves haughtily and flaunted their exalted social standing. Consequently members of the community were keenly sensitive to the social distinctions between themselves and the ruling class. They rebelled against the standards of implicit obedience expected of them and harbored a secret yearning for power.<sup>82</sup>

Rather than remedying the situation, the statutes of 1711 tended to endorse the status quo. Under the provisions of Article 22 the position of the parnasim was enhanced. "The Council of Parnasim shall have the full authority and supremacy in ruling the congregation of the nation. . . . No one shall be so bold as to oppose their resolutions or to separate himself from the community . . . under penalty of the great ban and a fine of 1000 guilders."<sup>83</sup>

Soon after the appearance of the new takkanot rival factions once again vied for control of the community. When

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<sup>81</sup>Sluys, Beelden, p. 13.

<sup>82</sup>Hillesum, loc. cit., points out that the parnasim patterned their behavior on that of the Dutch burgomasters. For the title "parnas" as a sign of nobility and for instances of arrogant behavior on the part of parnasim cf. Gotthard Deutsch, "Parnas," Jewish Encyclopedia, IX, 541, 2.

<sup>83</sup>Sluys, Beelden, p. 22.



the incumbent parnasim transgressed one of the new statutes their antagonists used this as a pretext to undermine the Council's authority. Some forty members signed a document empowering three delegates to address an official complaint to the government. The conspiracy was, however, discovered and the petition was not filed with the magistrates. The document has been preserved in the protocols. Among the signatures Sluys has identified those of Jacob Fles,<sup>84</sup> Nathan Feidel son of Judah (Philip Levi Nerden), Solomon Norden and Solomon Isaac Cohen all of whom were known as Hakam Zebi's supporters. Seen within the context of communal machinations Hakam Zebi's dispute with the parnasim seems to have been but one facet of the fight for hegemony within the kehillah. In the opinion of Sluys the parnasim feared that the influence of Hakam Zebi and the support of the Portuguese might aid the cause of the insurrectionists. The subsequent actions of the parnasim and their attempts to terminate Hakam Zebi's tenure were dictated more by the desire to weaken the rival party than by acrimony towards Hakam Zebi.<sup>85</sup>

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<sup>84</sup> Jacob Fles' struggle against the authority of the parnasim antedated Hakam Zebi's arrival in Amsterdam. Vide, ibid., p. 9.

<sup>85</sup> Ibid., p. 24.

D. Attempt to Dismiss Hakam Zebi

On April 10, 1712, the parnasim commissioned the sextons, Levi Assers Rosenkrants and Simon Hartogsz. Cohen, and the scribe, Pinhas Jacobs to request Hakam Zebi to provide them with his copy of the contract. Apparently his salary had not been paid for they promised to pay him the sum to which he was entitled upon return of the letter of appointment. Hakam Zebi refused to comply with this demand, replying that a copy of the document was already in the kehillah archives. On May 25, Ashkenazi did, however, fulfill their request and the contract was entered into the protocols in the presence of the Portuguese parnasim, da Sousa and da Costa. The following day the parnasim determined to terminate Hakam Zebi's appointment upon the expiration of the contract on March 10, 1713. On May 29, the sextons and scribe were instructed to inform Ashkenazi of this decision in order that he might have ample opportunity to make any necessary arrangements. To their communication Hakam Zebi retorted, "Tell your parnasim they might well have kept their impudence to themselves. I do not accept the message."<sup>86</sup>

Apparently the parnasim now sought to denounce the rabbi officially and urged individuals to make records of

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<sup>86</sup>Sluys, Beelden, p. 25; Mulder, Jaarboekje, p. 49. Cf. J. Vredenburg, Jewish Encyclopedia, II, 202.

their charges against him. On June 12, members of the community testified before the notary, Van Villekens, that the rabbi had taken the excessive sum of 8 RD for performing a divorce. In July, a complaint was reported that Ashkenazi had demanded payment to which he was not entitled in conjunction with a Din Torah. In December, a third complaint came before the notary in which it was claimed that the rabbi had demanded unfair compensation for granting a heksher. Several further accusations dealt with the solemnization of marriages. On November 21, it was alleged that Hakam Zebi had refused to attend a wedding because a carriage had not been provided for him. He was reputed to have said that if the bridegroom is poor he should sell his shoes to obtain a carriage. On November 25, a witness again condemned Hakam Zebi for failure to appear at a wedding. Though the bridegroom was poor and the bride an orphan, the rabbi had refused to reconsider the matter and the parties had suffered deep humiliation.<sup>87</sup>

The attempt to dismiss Hakam Zebi had immediate repercussions. Early in June his partisans filed an official memorandum with the magistrates. Bearing the signatures of Philip Levi (Nerden), Solomon Isaacqs (Cohen), Jacob Fles and Samuel Cohen the document contained an indictment of the

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<sup>87</sup> Emmanuel, Sefunot, IX, 215. Apparently the solemnization of marriages occasioned disagreements between Hakam Zebi and the parnasim. Cf. Sluys, Beelden, p. 23.

parnasim enumerating a detailed list of grievances against them. The petitioners declared that the parnasim had flagrantly transgressed the statutes promulgated by the Portuguese leaders at the request of the city authorities. Specifically, they were charged with unlawful decisions with regard to the Talmud Torah Society, with neglecting to impose fines and punishments, with permitting a visiting rabbi to preach in the synagogue contrary to the regulations, with selling wine, cheese and meat without obtaining the necessary certification of the rabbi, and with failure to convene in the synagogue for public reconciliation as stipulated by Article 2. These accusations were but a preface to the major criticism directed against the parnasim namely, the arbitrary dismissal of the chief rabbi. For three years the community had been in turmoil over the question of the rabbi's tenure; this matter had finally been settled by the definitive statement in Article 80 of the statutes. Now the accusers protested, the parnasim had gratuitously decided to discharge Hakam Zebi offering no valid reason other than "a quite frivolous and unheard of pretext that the latter had only been called for a period of three years." The petitioners declared this dismissal to be in direct contradiction to the established customs of Jewish communities and in violation of the takkanot which confirmed the chief rabbi's contract.

Finally, they reproached the parnasim for being motivated in the entire matter by personal hatred and vindictiveness.<sup>88</sup>

The burgomasters transmitted the documents to the Portuguese parnasim then in office and to those who had been in office at the time of the promulgation of the statutes. The Ashkenazic parnasim were instructed to draw up a brief in support of their position. Accordingly the scribe, Pinhas Jacobs, was directed to document his version of the disagreements over the writing of the contract and to transcribe his account of the visit to Ashkenazi on May 25.<sup>89</sup> The parnasim prepared a brief, composed of twenty-eight folio pages, in defense of their conduct. Whereas, the complaint had had only four signatures, the parnasim were able to obtain the signatures of eighty of the most prominent congregants in support of their position. Consequently they could claim that their viewpoint was representative of the feelings of the entire community. They emphasized the fact that the petitioners were people of dubious character. Jacob Fles and Samuel Cohen had been excluded from congregational services for ten and five years respectively. Philip Levi was the brother-in-law of Samuel Cohen and therefore Levi's motives were impugned. They accused the dissidents of brewing trouble

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<sup>88</sup>Ibid., pp. 26-27.

<sup>89</sup>Emmanuel, loc. cit., notes that the scribe's account was attested to before the notary Johannes Van Villekens on July 24, 1712.

and of opposing a decision in which the majority of communal leaders concurred. They bethought the magistrates to check and quell the activities of these insurrectionists. The bulk of the brief submitted by the parnasim was devoted to a justification of their attitude toward the chief rabbi. They argued that Hakam Zebi had himself signed the contract agreeing to a three year term. Article 80 of the takkanot they considered to be merely a guarantee of the salary and emoluments of the position applicable solely for the duration of the contract. They argued that the Portuguese could not possibly have intended to lengthen the term of office beyond the specified term of the contract. Citing Article 22 of the same regulations which granted full authority in congregational rulings to the Ashkenazic parnasim they asserted that by virtue of this authority they had dismissed Hakam Zebi. Such an action, the parnasim averred, was not without precedent: twenty-nine years previously a rabbi in their own community had been dismissed in a similar matter and no protest had been voiced. Similar occurrences in Germany and elsewhere were cited. The parnasim vehemently denied all allegations of personal involvement. They asserted that they were forced to take drastic action by the chief rabbi's intractable behavior. Specifically, the parnasim charged that he had delivered no more than two sermons a year and had conducted divine services in his own home. They alleged also that he had demanded emoluments in an extortionary manner

from poor people. In addition they stressed that the communal coffers were empty and that the payment of Hakam Zebi's handsome salary was an insupportable burden.<sup>90</sup>

### E. The Points of Contention

#### 1. Contract

The question of Hakam Zebi's contract was particularly vexing and was the focal point of this quarrel. It should be pointed out that despite Hakam Zebi's insistence on shesh rather than shalosh the issue regarding the contract was not whether the term of office was to extend for a term of three years or six years, but rather a question of whether Hakam Zebi was entitled to the position for life. In regard to this question the contents of the letter sent to Ashkenazi whilst the letter was yet in Altona is extremely pertinent. In this communication it was stated unequivocally, "Although it is our custom to take our teachers and rabbis for three years, if G-d grants us life he shall lead us forever and in his light we shall walk in eternity."<sup>91</sup> On the basis of this passage in the initial letter, Hakam Zebi's addition of a similar phrase at the end of his contract assumes a new meaning and must be considered more than the

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<sup>90</sup>Sluys, Beelden, pp. 28-29.

<sup>91</sup>Hillesum, Centraal Blad, November 28, 1924, p. 9.

mere expression of a hopeful prayer. When a copy of the first letter was brought into the proceedings in 1715, Professors Hemsterhuis and Houting of Amsterdam accepted it as evidence that Hakam Zebi had been offered the position ad vitam. Since the letter had preceded all subsequent negotiations they saw no way of justifying the actions of the Ashkenazic parnasim in the dismissal of Hakam Zebi.<sup>92</sup>

In connection with the custom of drawing up rabbinical contracts for a three-year period it is interesting to note a responsum of Hatam Sofer regarding the source of this practice. Noting that contracts traditionally stipulate a three-year term of office Moses Sofer asserts that this provision is included only for the benefit of the rabbi. The rabbi, at his option, may depart from the community when this term has elapsed; the community, however, can at no time abrogate the contract. Hatam Sofer cites Isserles, Yoreh Deah, 333, 3, who declares that a worker may not bind himself for more than three years for in doing so he no longer remains a laborer but enters into the category of a slave. Since it is forbidden to sell oneself into slavery it is also forbidden to obligate oneself to labor in another's service for an extended period of time. For this reason, a contract is drawn up for a set number of years, never more than six (in the opinion of Isserles,

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<sup>92</sup>Sluys, Beelden, p. 29.



no more than three) the period varying from place to place according to custom.<sup>93</sup>

## 2. Salary

The magnitude of Hakam Zebi's salary added to the dissent and dissatisfaction. The previous rabbi, Aryeh Leib Kalisch drew 400 RD yearly.<sup>94</sup> Ashkenazi's successor, Berliner, was offered 300 RD; in 1719 the sum was raised to 400 RD.<sup>95</sup> Even the hakamim of the wealthy Portuguese community received a remuneration of no more than 1200 guilders annually.<sup>96</sup> In comparison, Hakam Zebi's salary was extremely handsome. In the initial letter sent to Altona, the parnasim had declared that if the offer were too low "we will augment and raise it . . . we have the means."<sup>97</sup> In the negotiations Ashkenazi stressed the high cost of living and the size of his household. It was a condition of his acceptance that

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<sup>93</sup> She'elot u'Teshubot Hatam Sofer on Orah Hayyim (Pressburg, 1855), nos. 205 and 206. Cf. the decision of the Amsterdam Ashkenazic kehillah authorities in the case of the dismissal of the rabbi of Hague in 1734. The Amsterdam parnasim then stated that it was customary to engage a rabbi for a stipulated number of years. The contract was, however, tacitly continued unless the rabbi were accused of serious misconduct or misdemeanor. Vide Sluys, Beelden, pp. 37-39.

<sup>94</sup> Ibid., p. 14.

<sup>95</sup> Sluys, Geschiedenis, p. 352.

<sup>96</sup> J. D'Ancona, Geschiedenis, p. 293.

<sup>97</sup> Hillesum, loc. cit.

his salary be sufficient in order that he be enabled to renounce emoluments.<sup>98</sup> That he did not in practice accept fees for rendering decisions in civil suits is corroborated by Article 80 of the statutes.<sup>99</sup> The complaints regarding the difficulty of meeting Hakam Zebi's salary were based on a very real financial difficulty besetting the congregation.<sup>100</sup> Though freely undertaken the salary did present a pressing financial problem.

### 3. Private Minyan

The ire of the congregants was aroused because Hakam Zebi delivered sermons only on infrequent occasions and because he rarely attended synagogue services. They objected most strongly to the fact that private services were conducted in Ashkenazi's home despite the fact that this was explicitly permitted in the takkanot. Sluys advances the hypothesis that those individuals who were forbidden access to the Ashkenazic congregation and who were now by the statutes excluded from admittance to the Portuguese synagogue as well, attended services in Hakam Zebi's house and that it

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<sup>98</sup>Magillat Sefer, p. 26.

<sup>99</sup>Sluys, Beelden, p. 21.

<sup>100</sup>Ibid., pp. 14 and 31. It is noteworthy that at this time the community had only eight hundred contributing members. Hillesum, Centraal Blad, December 19, 1924, p. 3. Vredenburg, Jewish Encyclopedia, II, 202, notes that in comparison with the remuneration of rabbis in other Jewish communities Hakam Zebi's salary was extremely high. Fifty years later the chief rabbi of Berlin received 375 guilders annually.

is for this reason that the parnasim viewed Hakam Zebi's minyan with such extreme displeasure.<sup>101</sup> Be that as it may, Hakam Zebi's organization of private services was considered a cardinal transgression. In their brief the parnasim wrote that the rabbi ". . . had no scruples about holding separate gatherings for divine service in his home, all things which are not in the least becoming to a rabbi and a teacher."<sup>102</sup> With regard to this criticism one must point out that Hakam Zebi's behavior in this respect was by no means unprecedented. For comparison one may cite the rabbinical contract given by the community of Prague in 1755 to Rabbi Ezekiel Landau (1713-93). "It shall be incumbent upon us ~~at~~ at the expense of the communal treasury to rent a dwelling for him in accordance with his need and high station--a place where Torah-study is promoted. And permission is granted him to conduct services in the selfsame place where Torah study resounds."<sup>103</sup> Since Hakam Zebi's dwelling housed his Yeshiva as well<sup>104</sup> it is likely that services were held in Hakam Zebi's residence for the same reason.

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<sup>101</sup>Sluys, Beelden, p. 23.

<sup>102</sup>Ibid., p. 28.

<sup>103</sup>The contract is included in Ezekiel Landau, She'elot u'Teshubot Noda' bi-Yehudah (Vilna, 1904), unnumbered page preceding kuntres aharon.

<sup>104</sup>Megillat Sefer, p. 27.

#### 4. Character

Many chroniclers of this period believe that the source of these disagreements lies in Hakam Zebi's personality. Some have suggested that the Ashkenazim were antagonized by his lack of humility;<sup>105</sup> others that his abrupt manner did not attract sympathy and affection. He was not the person to curry favor with the masses or to pursue the friendship of the influential leaders.<sup>106</sup> In the opinion of Sluys, Hakam Zebi's personal behavior was not the central issue and his experiences in Amsterdam must be viewed as "a symptom of his times."<sup>107</sup> Sluys argues that there was a bitter quarrel in the community and Hakam Zebi happens to have been there at the time. There is certainly some validity in Sluys' reconstruction of the events and in his picture of the internal power struggle. Particular emphasis must be given to the fact that the very individuals who signed the document in the abortive December intrigue against the parnasim were those who signed the petition on behalf of Hakam Zebi in June. In this petition they repeated the very same arguments against the parnasim as were included in the document written in December before the attempt to dismiss

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<sup>105</sup>Emmanuel, Sefunot, IX, 216.

<sup>106</sup>W. Monasch, "Het Amsterdamsche Jodendom in het begin der 18e eeuw," Lezingen Mekor Chajim (Amsterdam, 1898), p. 20.

<sup>107</sup>Sluys, Beelden, p. 3.

Hakam Zebi. On the other hand one cannot ignore the fact that in the person of Hakam Zebi the parnasim had encountered an intransigent opponent and that they were never on the best of terms with him. Had a weaker rabbi been the incumbent it is not likely that the conflict would have assumed such dimensions. One incident in particular which occurred shortly after the filing of the official complaint against Hakam Zebi illustrates the clash of personalities. It became necessary for the community to pronounce a ban with regard to a certain case of theft. For this proclamation the parnasim were accustomed to use a certain formula. Hakam Zebi did not agree to the use of this text and wished to substitute his own version. The parnasim expressed their extreme dissatisfaction with Hakam Zebi's decision and instructed that his refusal to use the established text be recorded in the protocols.<sup>108</sup> Several of his responsa also indicate that he did not hesitate to issue halakic directives which countermanded established practices.<sup>109</sup> It may have been such independence that prompted the parnasim to refer to Hakam Zebi's behavior toward them as "unseemly and intolerable."<sup>110</sup>

Despite the contentions of the Ashkenazic parnasim the Portuguese ma'amad ultimately ruled against them, declaring

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<sup>108</sup>Ibid., p. 30.

<sup>109</sup>Hakam Zebi, nos. 123 and 149.

<sup>110</sup>Sluys, Beelden, p. 28.

that the Ashkenazim had transgressed the congregational statutes. With regard to the incumbency of Hakam Zebi the Portuguese stated that they were unable to see or find "sufficient reason" to permit the dismissal of the rabbi "since it is also without example in our nation that a rabbi or preacher should be dismissed or discharged in this manner." On September 25, 1712, the ma'amad submitted these recommendations to the burgomasters.<sup>111</sup> Assessing the situation correctly, Emden comments that the munificent Sephardim "supported my father. . . . They were very powerful in the city, beloved by the princes and counsellors of that place."<sup>112</sup> To be sure the support of the Sephardim stood Hakam Zebi in good stead; temporarily he was enabled to retain his position through their good offices and their influence with the civic authorities. Later when he was to fall into disfavor with the Sephardim as well all avenues were to be closed to him and the position in Amsterdam was to become untenable.

#### F. Contributions of Hakam Zebi

Aside from the story of these altercations little is known of Hakam Zebi's work during these years. In his personal life these years constituted a period of extreme sorrow.

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<sup>111</sup>Ibid., p. 30.

<sup>112</sup>Megillat Sefer, p. 30.

On November 23, he lost a young son, Moshe, and two months later, on January 23, a daughter, Batsheva, passed away. We do not know the age of the children; there remains only the stark wording of the memorials at the communal graveyard in Mulderberg.<sup>113</sup> Regarding Hakam Zebi's positive activities as rabbi of the community, information is sparse. Reports of communal endeavors become submerged in the welter of trivia and pettyfogging quarrels and disagreements, the record of which fills the protocols. From scattered references, however, the vague outline of his contributions emerges and one can trace the direction his ministration might have taken had dissension and disagreement not stymied every constructive effort.

### 1. Charity

As he had done in Altona, so too in Amsterdam Hakam Zebi sought to organize the collection of charity for the Holy Land.<sup>114</sup> He assisted zedakah emissaries from other communities appealing to the beneficence of the Sephardim as well as to his own congregants.<sup>115</sup> The payment for rendering decisions in civil disputes was a large source of income to the rabbi. The fee, known as psak geld, was 1/2 of one per cent of the sum under litigation. The rabbi was entitled to 1/2 of

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<sup>113</sup>For the text of the inscriptions vide Mulder, Ista, p. 17.

<sup>114</sup>Megillat Sefer, p. 15.

<sup>115</sup>Ibid., pp. 107-8.

this sum, the other half being divided among several dayyanim. In the letter of appointment the parnasim noted that Amsterdam was so important a center of commerce that merchants from all parts brought their disputes to the rabbi and the sum of the psak geld was considerable.<sup>116</sup> Upon accepting the appointment as chief rabbi Hakam Zebi pledged this income to the community coffers.<sup>117</sup>

## 2. Education

Hakam Zebi's major contribution was without a doubt his work on behalf of education. The Ashkenazim were deeply committed to the study of Torah and sought to maintain their longstanding traditions of Talmudic scholarship. Despite this favorable attitude there was no established institution of higher learning and the community had produced no scholars of note.<sup>118</sup> As previously mentioned, in his brief span of office Aryeh Leib Kalisch founded a Talmudic Academy in Amsterdam. After Kalisch's death the community apparently did not maintain the yeshiva.<sup>119</sup> To this vital area, fundamental for the development of the community, Hakam Zebi dedicated his efforts. Upon arrival he established a Bet Midrash where students might pursue uninterrupted Torah study.

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<sup>116</sup>Wagenaar, Toledot, Appendix, II.

<sup>117</sup>Megillat Sefer, p. 26.

<sup>118</sup>Bloom, p. 210.

<sup>119</sup>Sluys, Geschiedenis, p. 343; Hirschel, ibid., p.



He devoted his attention to the maintenance of the school, seeking to interest members of the community in its progress. He prevailed upon wealthy philanthropists to give set annual donations for the upkeep of the yeshiva, personally heading the list of contributors. In addition, he pledged to the support of the students the fees to which he was entitled for the performance of a divorce or halitzah. In his new home he reserved quarters to serve as a center for prayer and study. Many of the students even slept in his home. Each day he lectured to the students in the Bet Midrash.<sup>120</sup> Emden's report of his father's efforts to raise funds for the yeshiva is substantiated by the takkanot of 1711, regarding which Ashkenazi's influence has been indicated. Article 29 stipulated that apart from the specific allocations for the Lomede Torah Society additional donations in the synagogue were to be set aside for the benefit of those who studied in "the Bet ha-Midrash or the Klaus of the chief rabbi." These same articles further stipulated that one hundred and fifty tons of peat and two fathoms of wood were to be at the disposal of the Klaus.<sup>121</sup>

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<sup>120</sup> Magillat Sefer, pp. 26-27. Regarding Hakam Zebi's pedagogical approach cf. ibid., p. 46. Emden deplors the haphazard methods of study prevalent in Poland and describes Hakam Zebi's efforts to organize the educational system in Lemberg.

<sup>121</sup> Sluys, Beiden, p. 22.

After Hakam Zebi's departure there was again no yeshiva in the community. It has been claimed that at the time there were insufficient funds for this purpose. It is noteworthy that when he came into office as chief rabbi, Aryeh Leib, Hakam Zebi's son-in-law and disciple, immediately reestablished a yeshiva in Amsterdam. He was chosen as rabbi on May 27, 1740. On September 15, shortly after his arrival there is a record of the decision to found a Bet Midrash once again.<sup>122</sup>

### 3. Publications

Amsterdam was a celebrated center of the printing industry and numerous works were published there.<sup>123</sup> During his tenure as chief rabbi, Ashkenazi was approached several times to write letters of approbation. He wrote approbations to the Amsterdam editions of the Seder Olam Rabah (1711), Responsa of Isserles (1711), Humash Tse'na u'Re'ena (1711), and Selihot (1711). Other works published in Amsterdam such as the Olelot Efrayim (1710), Wekuah Mayim Hayyim (1712), Kessef Nibhar (1712), Omek Halakah (1710), Torat Moshe (Alshak) Commentary on the Torah (1710), and the Commentaries of Elijah Fulda on the Tractate Shekalim and the Yerushalmi Tractate Zeraim (1710)

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<sup>122</sup>Frank, De Amsterdamsche Opperrabbin R. Arjeih Leib ben R. Saul (1740-55) en zijn tijd (Amsterdam, 1735), pp. 8-9. Cf. Megillat Sefer, p. 68.

<sup>123</sup>For a description of the flourishing printing industry in Amsterdam vide L. Hirschel, Geschiedenis, pp. 468-480.

also contain the haskamah of Hakam Zebi. Moses Hagiz' Shete ha-Lehem (Wandsbeck, 1733) contains an approbation of Hakam Zebi dated, 11 Adar II, 5472. Emden contests the authenticity of a letter of approbation for Solomon Zalman Hanau's Sha'are Tefillah (Jessnitz, 1725) presumably signed by Hakam Zebi.<sup>124</sup>

While chief rabbi of Amsterdam Hakam Zebi published a collection of his responsa. The work rapidly gained an international reputation and it redounded to the fame of the community.<sup>125</sup> In his introduction Hakam Zebi wrote in praise of the great commercial metropolis of Amsterdam, "whose inhabitants are skilled in artisanry, in particular the printers whose work is unparalleled."<sup>126</sup> The collection was printed in 1712, by the famous Ashkenazic printers, the House of Proops.<sup>127</sup> Subsequently it was reprinted in 1767 in Fürth and in 1858 in Lemberg with annotations appended by Aaron Mirels

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<sup>124</sup>Emden, Luah Eresh (Altona 1769). Cf. B.K. /Benzion Katz, "Ya'akob Emden u'Tekunato," Ha-Shiloah, IV (1898), 248 and Kahana's reply "Emet le-Ya'akob," ibid., V (1899), 256. Duckesz, Sefer Hakme AHW (Hamburg, 1908), p. 55, notes an article by Hillesum in which the latter pointed out that the haskamah in the Sha'are Tefillah was in the form of a handwritten letter. On the basis of documents in the Rosenthaliana Library, Hillesum identified the handwriting on the haskamah as that of Hakam Zebi.

<sup>125</sup>Zwarts, p. 160; Meyer Waxman, A History of Jewish Literature (New York, 1960), II, 188; I. Maarsen, "Joodse wetenschap en letterkunde tot 1795," Geschiedenis, p. 540.

<sup>126</sup>Hakam Zebi, Introduction.

<sup>127</sup>Hirschel, Geschiedenis, p. 472.

and Joseph Saul Nathanson. This work is the chief repository of Hakam Zebi's scholarly output. Intending to print additional responsa and novellae at such time as finances would permit Ashkenazi entitled the compilation Part I. He did not bring these plans to fruition; in all probability pre-occupation with the subsequent polemic with Hayyun hindered all scholarly activity.<sup>128</sup> This collection consists of 168 responsa to inquirers from all parts of Jewry. Several additional responsa of Hakam Zebi are found scattered throughout other works.<sup>129</sup> The responsa deal with various aspects of religious, family and civil law and the writing is distinguished by a clarity of style.

Several responsa concern problems in Amsterdam. Hakam Zebi discusses which species may be used in fulfillment of the obligation of bitter herbs. He argues against the use of horseradish since it is virtually impossible for an individual to eat the requisite amount without endangering his health. He identifies haseret of the Mishnah as latuga salat

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<sup>128</sup>Megillat Sefer, p. 57. Emden notes:  
הרבה חורה בטלה המחלוקת הזאת.

<sup>129</sup>Some of the more significant are: She'elat Ya'abez, Dibre Rab Meshullam, Teshuvat ha-Geonim, Edut bi-Yehosef and Eben ha-Shoham. Novellae of Hakam Zebi are included in Aaron Mirels, Bet Aharon (Berlin, 1829), Shabbethai b. Moses Cohen, Minhat Kohen (Furth, 1741), Judah Glogauer, Kol Yehudah (Amsterdam, 1729). For additional references vide Julius Furst, Bibliotheca Judaica (Leipzig, 1849), I, 64; Euber, p. 192.

and regards this as most preferable though expensive. Ulshin of the Mishnah he identifies as endives and states that the mitzwah may be fulfilled with this vegetable which was most readily available in Amsterdam.<sup>130</sup> With regard to the hadasim found in Amsterdam, Ashkenazi refutes the contention of the Shebut Yaakob that they are hybrids. Hakam Zebi attests to the purity of the species found in Amsterdam declaring them to be most beautiful and hence preferable over others for performance of the obligation of arba' minim.<sup>131</sup>

In responsum 123, Ashkenazi reports that he abolished a custom prevalent in Amsterdam with regard to the selling of Scrolls of the Law. The usual procedure had been to sell them at public auction in the synagogue. Ashkenazi cites the prohibition found in the Sifra<sup>132</sup> against the selling of a Jewish slave at auction. This prohibition is explained by Maimonides as being based on the fact that such a method of sale is undignified and not in keeping with the principles of honor due to one's fellow man. Hakam Zebi reasons that the reverence due to a Sefer Torah can in no way be less than the respect due to a common thief sold as a slave in order to make restitution. Accordingly, he protested to the sextons and instructed them to desist from this practice. Hakam

<sup>130</sup>Hakam Zebi, no. 119

<sup>131</sup>Ibid., no. 161.

<sup>132</sup>Leviticus 25:42.

Zebi addressed himself also to the question of burial practices in Amsterdam. The specific issue included in his responsa is how far one grave is to be removed from another. Since the Amsterdam cemetery was large and spacious and its soil soft and sandy, Ashkenazi ruled that no grounds whatsoever could be found for permitting a separation of less than six handbreadths. In his opinion, the practice current in the city of providing a lesser separation was contrary to the halakic requirement and constituted "robbing the dead." He insisted that it was incumbent upon those who had the power to do so to direct the burial society to abrogate this practice.<sup>133</sup>

In the Dibre Rab Meshullam of Ashkenazi's son, Abraham Meshullam Zalman, several responsa of Hakam Zebi are included. One of these, dated Siwan, 5473 records a Talmudic discussion with an emissary from the Holy Land, named Abraham Yitzhaki.<sup>134</sup> Yitzhaki, who visited the city in July or August 1712, was the first person to issue an official warning in Amsterdam against the notorious Nehemiah Hayyun.<sup>135</sup> The arrival of Hayyun was to bring total upheaval to the Amsterdam kehillot.

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<sup>133</sup>Hakam Zebi, no. 149.

<sup>134</sup>Korzec, 1783, included in no. 3, p. 5a.

<sup>135</sup>Graetz, X, Appendix, LXXXVI.

## CHAPTER III

### THE NEHEMIAH HAYYUN CONTROVERSY

#### A. The Course of the Dispute

On June 30, 1713, Nehemiah Hiyya Hayyun arrived in Amsterdam.<sup>1</sup> Hayyun's arrival was marked by fierce contention which developed into a tumultuous feud ultimately overwhelming the entire community.

Hayyun dispatched his disciple, Elijah Taragon, to precede him to Amsterdam. Taragon may have been the secret Shabbethaian who sought to print Cordozo's manuscripts in Amsterdam and against whom the rabbis of Smyrna had issued a warning.<sup>2</sup> Hayyun himself apparently posed as an emissary from the Holy Land. From the very outset he was beset with difficulties. Moses Hagiz of Jerusalem, then residing in Amsterdam, immediately connected Hayyun with the admonitions of the inveterate opponent of Shabbethaianism, Abraham Yitzhaki. As early as 1708 Yitzhaki, residing in Jerusalem,

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<sup>1</sup>Graetz, X, Appendix, LXXXVI. Cf. Nadav, Sefunot, III-IV, 326, n. 130.

<sup>2</sup>Graetz, loc. cit. Kahana, Toledot ha-Mekubbalim, I, 130; Milhamah la-Shem (Amsterdam, 1714), p. 31a.

had signed an interdict against Hayyun.<sup>3</sup> Visiting Amsterdam in 1712, Yitzhaki warned the community that a certain person, whom he left unnamed, would attempt to publish Cordozo's writings in that city. He exhorted them to be wary of this person and also publicly discredited and defamed Nehemiah Hayyun.<sup>4</sup> Mindful of Yitzhaki's exhortations, Hagiz began a campaign against the Shabbethaian adventurer.<sup>5</sup>

Hayyun also met with antagonism from another quarter. Hearing of Nehemiah Hayyun's presence in Amsterdam, Hakam Zebi mistakenly identified him with his former enemy of Sarajevo--Hiyya Hayyun ha-Oruk.<sup>6</sup> Hakam Zebi informed the Portuguese that the stranger was a man of evil repute and that no assistance should be rendered to him. Thereupon, Hayyun was denied entrance to the Portuguese Synagogue. However, when Nehemiah Hayyun called upon the rabbi of the German

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<sup>3</sup>Emden, Torat ha-Keraot, p. 30a. Concerning Yitzhaki and his opposition to the Shabbethaian movement vide Frumkin, II, 153-56; Graetz, X, Appendix, LXXVIII-LXXIX, LXXVI. Emmanuel, Sefunot IX, 214, n. 16, notes that Hayyun himself, in the Moda'a Rabah (Amsterdam, 1714) mentions Yitzhaki's longstanding quarrel with him.

<sup>4</sup>Moses Hagiz, Sheber Poshim (London, 1714), p. 8a, notes: שמעתי מפי מרנא ורכנא הגדול שליחא מהימנחא שהודיע לרבנים מקהלה זו דרך כלל ופרט לבני כללי דכילל האי קטיע רשיע היות חיון שמו.

Vide also, Milhamah la-Shem, p. 28a.

<sup>5</sup>The Manifesto of the Sephardic Bet Din--the Kosht Imre Emet is reprinted in Aaron Freimann, Tnyane Shabbethai Zebi (Berlin, 1912), pp. 128-36. The Sephardim describe Hagiz' early campaign against Hayyun, ibid., p. 129.

<sup>6</sup>Cf. supra, p. 16.



community, Hakam Zebi realized that his identification had been erroneous and accordingly he retracted his initial accusation.<sup>7</sup>

In the meantime, Hayyun presented his treatises to the ma'amad in order to obtain permission to sell them. According to Hagiz and Emden, the Portuguese distrusted their own hakam, Solomon Ayllion, on account of a lenient decision that the latter had given with regard to the writings of Abraham Cordozo. Therefore, the Portuguese parnasim submitted Hayyun's book to the judgment of Hagiz and Zebi Ashkenazi.<sup>8</sup> After a brief examination of the book--the Mehemnuta de Kulla with the two commentaries written by Hayyun entitled Oz le-Elohim and Bet Kodesh ha-Kodshim--Hakam Zebi and Hagiz issued a statement that the work contained Shabbethaian doctrines and was to be consigned to flames. Immediately, Zebi Ashkenazi sent a messenger to the Sephardic parnasim to inform them of his verdict and to warn them not to accord patronage to Hayyun.<sup>9</sup>

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<sup>7</sup>Freimann, loc. cit. Cf. Megillat Sefer, p. 31.

<sup>8</sup>The rabbis of Smyrna wrote to the Amsterdam community requesting them to condemn Cardozo's writings. Hagiz and Emden claim that Ayllion ruled that the content of these works was not heretical but that subsequently the Portuguese parnasim themselves consigned the writings to flames. Milhamah la-Shem, p. 296; Megillat Sefer, pp. 30-31. Nadav, Sefunot, III-IV, 32 b notes the good relationship of the ma'amad towards Ayllion and doubts whether in actuality there was an open clash between them regarding Cardozo's works.

<sup>9</sup>Freimann, loc. cit.; cf. Hayyun, Ha-Zad Zebi, Introduction.

Ayllion was incensed at this decision and felt himself slighted in the handling of the entire matter. He prevailed upon the Sephardim--in particular inciting the powerful parnas Aaron de Pinto--to reject the influence of the Ashkenazic rabbi. On 15 Tammuz, the ma'amad commissioned Ayllion to investigate the matter and at his request a committee consisting of himself and six other people was formed to examine Hayyun's book. All members of the committee were sworn to secrecy until after pronouncement of the final verdict. Each one received a copy of the book from the author on the condition that it would be shown to no one. In addition to Ayllion's two colleagues the aged David Aben-Atar (Melo) and Samuel ben Aaron Zarfatti, the Bet Din was composed of David Israel Athias, Solomon Abrabanel Sousa, Solomon de Mesa and David Mendes da Silva. In their Manifesto the Sephardim refer to the council of seven as having been wise men and scholars, well versed in Torah including its mystic aspects.<sup>10</sup> According to the report of an anonymous member of the Amsterdam community, six of the seven men on the court were totally dependent on Ayllion and lacked the requisite knowledge of Kabbalah essential for a judgment on Hayyun's writings. Only one member was competent to deal with the problem and this person had joined the committee under duress.<sup>11</sup>

<sup>10</sup>Freimann, p. 130.

<sup>11</sup>Graetz, X, Appendix, XCIII-XCIV.

Hagiz too wrote scathingly about the ineptitude of the members of Ayllion's Bet Din.<sup>12</sup> However, in his recent study, Emmanuel has pointed out that each of the seven members of the council had some standing as a Torah scholar.<sup>13</sup>

While the Portuguese panel were engaged in their deliberations, Hagiz and Ashkenazi wrote to the rabbis who had signed approbations to Hayyun's book in order to verify the authenticity of these testimonials. In their letters they were able to cite only those passages which they recalled from their hasty perusal of the book since the Portuguese authorities were not willing to make available to them a copy of Hayyun's book.<sup>14</sup> Attempts to secure the treatise elsewhere were at first fruitless. Rabbi Nathaniel of Cleve possessed the work but refused to send it to them.<sup>15</sup> Only after some time had elapsed did they obtain a copy of the book from Hamburg paying the exorbitant price of sixty gulden.<sup>16</sup> In the interim, on the basis of this original cursory examination of the Mehemnuta and Hayyun's commentaries, Hakam Zebi and Hagiz pronounced a sentence of excommunication against Hayyun and his writings. The judgment dated July 23, 1713, and

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<sup>12</sup>Hagiz, loc. cit.

<sup>13</sup>Emmanuel, Sefunot, IX, 217.

<sup>14</sup>Milhamah la-Shem, p. 30b.

<sup>15</sup>Freimann, loc. cit.

<sup>16</sup>Hayyun, Ha-Zad Zebi, loc. cit.

signed by Hakam Zebi, was printed in both Hebrew and Spanish and distributed as a pamphlet.<sup>17</sup> The accusers unequivocally condemned Hayyun as "this heretic and evil person who passes among us to entice and lead astray the people of the L-rd from their Torah and their belief. . . . He has chosen for himself new gods . . . and has made for them a three-legged support." All who were in possession of Hayyun's book were ordered to burn it.<sup>18</sup>

Hagiz states that Dr. de Mesa, a member of the Sephardic Bet Din, with malicious intent persuaded Hakam Zebi to publicize the decision at an early date and that de Mesa later used this hasty action as a weapon in arousing the populace against the rabbi of the German kehillah.<sup>19</sup> The precipitate action of the rabbis in publishing the ban before the Portuguese court had completed its deliberations aroused the ire of the Sephardic authorities and probably strengthened their resolve to decide the matter in favor of Hayyun.<sup>20</sup>

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<sup>17</sup>Freimann, loc. cit.

<sup>18</sup>The text of Hakam Zebi's indictment was subsequently included in Milhamah la-Shem, pp. 25a-26a. It is reprinted in Freimann, pp. 117-19. Hagiz' declaration טופס הכתב הראשון in the Sheber Poshim dates from the same period.

<sup>19</sup>Milhamah la-Shem, p. 32a. Elsewhere Hagiz claimed that at a later date de Mesa went over to the side of Hakam Zebi. Vide J. Sonne, "Halifat Miktabim beyn R. M. Hagiz we-R.S. Morpurgo be-Inyan Nehemiah Hayyun we-Siyato," Kobez 'al Yad (Jerusalem, 1937), n.s., II, 179, n. 2.

<sup>20</sup>Emmanuel, Sefunot, IX, 212.

Certainly the Portuguese felt deeply insulted and were convinced that the honor of their congregation was at stake. In the Manifesto they later wrote "Who is this person who has come to rule over us and to impose undue awe--not for the sake of heaven--on the community which is not under his jurisdiction? But since we have learned 'Be slow in judgment' the rabbi of the Sephardim and his Bet Din have not yet completed their judgment."<sup>21</sup> The malamad issued a proclamation in the synagogue on 29 Tammuz requesting under penalty of herem that congregants who were in possession of the writings against Hayyun in any language whatsoever bring them to the Bet Din within two days. Furthermore, no one was permitted to discuss the matter until the Sephardic Bet Din reached a final decision.<sup>22</sup> Hearing of this proclamation, Hakam Zebi publicly attacked not only Hayyun and his work but also the Sephardim and their hakam.<sup>23</sup> Hagiz relates that Ayllion on his part engaged disreputable people to abuse and affront both Hakam Zebi and himself (Hagiz) on the public streets. Matters came to a head on Sabbath, 4 Ab. In the morning sermon, Ayllion made several malicious references to the disturbers of the peace. In the afternoon Hagiz delivered a sharp rejoinder and spoke of the evil of pride which leads

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<sup>21</sup>Freimann, p. 130.

<sup>22</sup>Emmanuel, Sefunot, IX, 227.

<sup>23</sup>Freimann, loc. cit.

even to heresy. When Hagiz appeared on the street Ayllion's supporters threatened to kill him.<sup>24</sup> Hagiz asserts that he in person made several attempts at reconciliation but these endeavors were not successful. When Hagiz appeared at a meeting of the ma'amad, de Pinto acted in a brusque and high handed manner constantly interrupting the former in his presentation. Invited to a session of the council of seven, Hagiz apologized to Ayllion, but would not promise to cease denouncing Hayyun as a heretic.<sup>25</sup>

After several weeks of deliberation (16 Tammuz to 14 Ab) Ayllion hastily recalled to Amsterdam the seventh member of the panel, David da Silva, who was absent from the city and the final sessions of the committee were convened. In Hagiz' opinion Ayllion feared further delay lest his adversaries obtain a copy of Hayyun's book and thus be enabled to present their case more forcefully.<sup>26</sup> Graetz suggests that the committee wished to forestall the publication of the ban against Hayyun issued by Leon Brieli, the revered rabbi of Mantua.<sup>27</sup> The official verdict was announced in the synagogue on 15 Ab. The Portuguese Bet Din declared Hayyun entirely guiltless. They stated that it would be advisable not to print matters

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<sup>24</sup>Milhamah la-Shem, pp. 33a-b.

<sup>25</sup>Ibid., pp. 34a and 35a.

<sup>26</sup>Ibid., p. 31a.

<sup>27</sup>Graetz, X, Appendix, XCVI.

of a mystical nature. However, they had found "nothing remotely objectionable in the entire book [of Hayyun]" and they considered that it deserved to be numbered among other kabbalistic works.<sup>28</sup> The decision was presented as a unanimous one. Addressing a friend in Mantua, an anonymous member of the Sephardic congregation writes that his son, a member of the committee of seven, was opposed to the verdict but moral pressure was exerted upon him and he was compelled to sign against his judgment. His father--the writer of the letter--had also protested against the Sephardic pronouncement declaring that Hayyun's book obviously contained Shabbethaian doctrines. To these remonstrations the matamad paid no heed. They circulated the decision preceding it by a new forward filled with insults directed against Hakam Zebi.<sup>29</sup>

The Sephardim now sought to make amends to Hayyun. Two parnasim were delegated to visit him for the purpose of tendering a personal apology for the inconveniences he had suffered. The Sephardim in their Manifesto and Hagiz and Emden in their writings describe the triumphal reception for Hayyun arranged in the Portuguese synagogue. Psalm 75 was sung "For God is Judge; He putteth down one and lifteth up another. . . . All the horns of the wicked also will I cut off. But the horns of the righteous shall be lifted up."

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<sup>28</sup>Freimann, pp. 130-31. The decision of the Sephardic Bet Din is also printed at the beginning of Ha-Zad Zebi.

<sup>29</sup>Graetz, X, Appendix, XCIV and XCVII.

The crowd cheered Hayyun jubilantly and vilified his enemies.<sup>30</sup> According to the Sephardim, Hayyun now offered to meet Hakam Zebi in order to answer his questions or to appear with him before any Bet Din; three times Hakam Zebi declined Hayyun's advances.<sup>31</sup>

Meanwhile, Hakam Zebi finally obtained a copy of Hayyun's book and requested the Ashkenazic parnasim to pronounce an anathema against it in their synagogue. This they refused to do. Several explanations have been offered for the reaction of the Ashkenazim. The Sephardim maintained that the German congregation believed their rabbi to be motivated by personal hatred and bitterness.<sup>32</sup> Hagiz accused them of having gone over to Hayyun's side.<sup>33</sup> Emden's analysis is close to the mark. He underscores the fact that Hakam Zebi's adversaries had been waiting for just such an occasion. Until this point the Sephardim had been partisans of Hakam Zebi. Now they were arrayed against him and they were joined "by the above mentioned opposition faction of the Ashkenazim who were joyful at the misfortune."<sup>34</sup> In truth,

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<sup>30</sup>Freimann, p. 130; Megillat Sefer, p. 32; Milhamah la-Shem, p. 36a.

<sup>31</sup>Freimann, p. 131.

<sup>32</sup>Loc. cit.

<sup>33</sup>Milhamah la-Shem, loc. cit.:

כזה הוכיחו שנתערבו עם הלועזים ונעשו גרועים מהם.

<sup>34</sup>Megillat Sefer, p. 34.



Hakam Zebi's relations with the Ashkenazic congregation which were already strained now deteriorated even more. In addition to their longstanding complaints against the rabbi, the Ashkenazim now resented the clash with their sister community. De Pinto's influence was not negligible and the Ashkenazim were probably concerned lest business relations with the Sephardim be adversely affected.<sup>35</sup>

However, many rabbis outside of Amsterdam concurred with the verdict of Hakam Zebi and Hagiz. They sent letters to the Dutch capital excommunicating Hayyun, exposing his past history and denouncing him as a forger and a liar. During the month of Elul Zebi Ashkenazi and Hagiz printed these documents. Most significant were the communications of Leon Brieli. The aged rabbi of Mantua was considered to be one of the foremost scholars of the time and was held in great esteem by the Sephardim.<sup>36</sup> He actively supported Hakam Zebi,

<sup>35</sup>Emmanuel, Sefunot, IX, 216.

<sup>36</sup>For a brief biographical sketch of Leon Brieli, vide, M. S. Ghironi, Toledot Gedole Yisrael we-Geone Italya (Trieste, 1853), p. 127 and Graetz, X, Appendix, XCVI. Graetz cites Hayyun's accusations against Brieli:

אין לו ידיעה כשיעור קומה רק כחורח לאטין ופילוסוף ... הוא  
מכחיש בדברי הזוהר שאינן מר' שמעון בר יוחאי ... כבר עברו עלי  
שבעים שנה ולא נשא אשה ... איש אשר גם את הזקן יספה.

On the other hand, most of Brieli's contemporaries speak of him with respect and admiration. Cf. Nieto, Esh Dat (London, 1715), pp. la-b and his description of Brieli's militant opposition to Hayyun:

ועוד ידו נטויה כיעט כמעיל קנאה ולא שלו ולא שקט ולא נח עד  
אשר בא רוגז כל רבני וגאוני איטליה על הספר ועל המחבר.

writing a total of eight letters regarding the matter: two to Hakam Zebi, three to Ayllion, two to the ma'amad (in Italian) and one to Benjamin Finzi (also in Italian). In his first letter (dated 10-15 Ab) Brieli expressed his complete agreement with Hakam Zebi's position.<sup>37</sup> In their reply to a subsequent letter from Brieli, the Sephardic parnasim reprimanded him for relying solely on Hakam Zebi's opinion and not examining the book himself. Brieli apologized but would not reverse his decision. The Portuguese indicated to Brieli that they considered the question of a verdict concerning Hayyun's beliefs to be a matter under the jurisdiction of their kehillah and warned him not to interfere in their private concerns. Brieli drew up an eight-point list of questions on Hayyun's book and Ayllion and his court sent him an explicit answer. In their rejoinder they pointed out that the rabbis outside of Amsterdam had accepted in good faith everything that Hakam Zebi and Hagiz had written. The latter had not been accurate in their charges. They had misquoted passages, citing them out of context and they had accused Hayyun of expressing ideas which were not present in his writings.<sup>38</sup>

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<sup>37</sup>Milhamah la-Shem, pp. 43a-b; Freimann, pp. 126-28.

<sup>38</sup>Emmanuel, Sefunot, IX, 228-35, gives the texts of the ma'amad's answers to Brieli. Cf. ibid., p. 213, n. 12, for other references to Brieli's arguments in the writings of Hagiz and Hayyun.

Hakam Zebi also received a letter dated 5 Elul from Gabriel Eskeles of Nikolsburg. Eskeles declared his approbation to be a forgery. He had not signed the haskamah nor had his scribes written such a document. Hayyun had however received from him a letter of recommendation.<sup>39</sup> The Sephardim countered that many individuals who had seen the signature on the document testified that it was indeed in the handwriting of Eskeles.<sup>40</sup>

A lengthy epistle from Naphtali Cohen, also dated 5 Elul, denounced Hayyun and told in detail of Cohen's disenchantment and disappointment in him. Cohen averred that Hayyun had shown him only a few pages of his book. To these he had originally given the seal of his approval, but upon discovering the nature of Hayyun's character and convictions, he had sought to retract the haskamah.<sup>41</sup>

On behalf of the rabbis of Venice, Jacob Aboab addressed a letter to Hakam Zebi dated 13 Elul. The Venetian rabbis expressed their agreement with Hakam Zebi's interdict against Hayyun. They declared that at no time had they given Hayyun a letter of approbation to the Mehemnuta.<sup>42</sup> In this

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<sup>39</sup>Reprinted by Kaufmann, "Iggerot R. Gabriel Eskeles we-R. Ya'akov Aboab," Ha-Hoker (Vienna, 1894), pp. 13-14 with emendations, p. 66.

<sup>40</sup>Freimann, p. 131.

<sup>41</sup>Kaufmann, REJ, XXXVI, 275; Freimann, pp. 123-26.

<sup>42</sup>Kaufmann, Ha-Hoker, pp. 14-15 and 66-67.

case as well the Sephardim responded that the handwriting of the document containing the haskamah was publicly recognized as that of the official scribe of the Venetian kehillah.<sup>43</sup>

The position taken in this issue by David Oppenheim of Prague is not clear. To the documents which he published during the month of Elul Hakam Zebi added a notation stating that Oppenheim had written to him declaring that he had granted the haskamah to Hayyun on the basis of only one page of the Dibre Nehemiah. In their Manifesto, the Sephardim later asserted that they knew of another communication of Oppenheim to a member of the Ashkenazic congregation in which the former attacked Hakam Zebi vehemently for inciting quarrels and for pronouncing a ban on Hayyun's book prior to a thorough confrontation with the author.<sup>44</sup> In support of this claim of the Sephardim we find the fact that Moses Hagiz charged Oppenheim with bearing a personal grudge against Hakam Zebi.<sup>45</sup> Emden also alludes to Oppenheim's sympathy

<sup>43</sup>Freimann, p. 132.

<sup>44</sup>Ibid., p. 133; cf. ibid., p. 138.

<sup>45</sup>Graetz X, Appendix, XCVIII, cites Hagiz:

שהיה (ר' דוד אופנהיים) כמתרעם על מה' צבי לפי שכתבו לו האויבים  
שהתרים כל אותם שבקליוא שהם מחוננים.

However, cf. Milhamah la-Shem, p. 39a:

מ"ש שם מכתבי ר"ד אופנהיים שבאו ליחידים אשכנזים יכול להיות  
אמנם אין להאמין כי ידענו את האיש ואת שיחו בעל שכל הוא ולא  
יאבד חזקתו ללכת אחר מומר ואפיקורוס ולהניח התורה בקרן זרית  
חס ושלום.

with the Sephardic stand on this issue. He reports that his father met Oppenheim in Poland and reprimanded him in public for supporting Hayyun.<sup>46</sup> A letter of Oppenheim to Leib Hamburger, a member of the Ashkenazic community, has recently been published throwing light on Oppenheim's position in the quarrel and on his attempt, by virtue of his contact with Ashkenazic leaders, to arbitrate in the dispute and to restore peace to the conflicting parties.<sup>47</sup>

With the publication of these letters the quarrel became increasingly heated. "The hearts of children were set against parents, and those of parents against their children."<sup>48</sup> On Elul 20 the ma'amad ordered all congregants to surrender to the Bet Din all pamphlets against Hayyun found in their possession and prohibited sending such pamphlets outside of Holland.<sup>49</sup> Agitation was mounting elsewhere and in Breslau Naphtali Cohen placed a formal ban on Hayyun and his writings.<sup>50</sup> During this period Hakam Zebi printed a short polemic entitled Eres Nahash delineating Hayyun's heresy and denouncing the Mehemnuta as a Shabbethaian work.<sup>51</sup>

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<sup>46</sup>Megillat Sefer, p. 37.

<sup>47</sup>I. Z. Kahana, "Teshuvat R. Dawid Oppenheim," Sinai, XXI (1947), 327-34.

<sup>48</sup>Freimann, p. 132. Cf. Megillat Sefer, p. 30.

<sup>49</sup>Freimann, loc. cit.; Emmanuel, Sefunot, IX, 212.

<sup>50</sup>Kaufmann, REJ, XXXVII, 274.

<sup>51</sup>Graetz, X, Appendix, XCVIII.

The Sephardim, meanwhile, sought to subdue their antagonists. On October 29, they dispatched two messengers to invite Hakam Zebi to appear before their tribunal. He responded that the Sephardim should submit the matter to Naphtali Cohen, Brieli and Eskeles for adjudication. The Sephardim were unwilling to act on this suggestion. Among the reasons for their refusal they mention that they were not certain as to the authenticity of the statements printed in the name of the above rabbis.<sup>52</sup> Twice more the ma'amad sent delegates to Zebi Ashkenazi requesting him to appear before their court. On these occasions as well he did not answer their summonses. The Portuguese then turned to the Ashkenazic authorities. On November 2, the Ashkenazic parnasim sent a report to the Portuguese stating that their mediation had been of no avail. They had importuned Hakam Zebi to accede to the demands of the Sephardim, even providing him with a carriage to transport him to the Sephardic Bet Din. Hakam Zebi at first equivocated giving as excuse the pretext that it was night and that he was not well enough to leave the house. The next morning they again besought him to appear before the Sephardic committee, but he remained adamant.<sup>53</sup>

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<sup>52</sup>Freimann, p. 134. With regard to this argument of the Sephardim Graetz, X, Appendix XCIX, points out that at the time of the printing of the Manifesto the Sephardic ma'amad had themselves already received letters from Brieli indicating beyond a doubt his stand on the matter.

<sup>53</sup>Sluys, Beelden, p. 35.

Matters had gone too far for the Sephardim to yield. They then summoned Hakam Zebi formally through a notary. They accused him of stirring strife in the city and casting aspersions on the Sephardic Bet Din and rebuked him for placing a herem on Hayyun despite the fact that the latter was not subject to his authority or a member of his congregation. The Portuguese claimed that despite all of Hakam Zebi's actions they were still striving for peace. They warned Hakam Zebi that within three days he must revoke the ban against Hayyun in writing or by a public declaration in the synagogue. Furthermore, he was to send letters recanting his verdict on Hayyun to the rabbis whose decisions he had published and he was to instruct them to do likewise.<sup>54</sup> To this summons also Hakam Zebi did not respond. Accordingly, on 20 Heshwan, a strict injunction was proclaimed in the Portuguese synagogue by David Aben Atar. The congregants were to dissociate themselves from Hakam Zebi and Hagiz. They were not to intercede on behalf of Hakam Zebi and Hagiz before any judicial body nor were they to aid them in any manner or perform any kindness for them.<sup>55</sup> However, this measure too did not produce the

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<sup>54</sup> Emmanuel, Sefunot, IX, 236-238, gives the text of the summons which was also proclaimed in the synagogue. Sluys, loc. cit., names the notary as Johanes van Villekens and gives the date as November 6.

<sup>55</sup> Emmanuel, Sefunot, IX, 213, n. 13. The text of the injunction is found ibid., pp. 238-39.

desired results. Apparently, individual congregants persisted in sending their children to study under Hagiz. Consequently, on 2 Kislew the ma'amad pronounced a ban against Hakam Zebi and Hagiz:

No individual of our nation shall be permitted to associate with the aforementioned Zebi and Hagiz or to address them or permit, upon any pretext, their children to do so. Neither shall they be permitted to speak or communicate with them in writing or in any manner whatsoever, without any subterfuge, directly or indirectly, all under the penalty of herem.<sup>56</sup>

This herem remained in force until the departure of Hakam Zebi and Hagiz from Amsterdam.<sup>57</sup>

A few individuals remained staunchly on the side of Hakam Zebi. Three members of the Ashkenazic kehillah signed a letter of protest in which they described the behavior of the Sephardim as most unjust. They claimed that the ma'amad wished Hakam Zebi not only to retract the ban but even to supply Hayyun with letters of recommendation. There was little that they could do in the face of the powerful opposition to Hakam Zebi. "It is not in our power to prevent this injustice, but for the zeal of the L-rd of Hosts we have written this as a sign . . . and as a memorial to establish the matter in a certified document until such time when the word of G-d shall be fulfilled."<sup>58</sup> Hayyun's supporters

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<sup>56</sup>Ibid., pp. 239-41. Cf. Freimann, p. 135; Milhamah ha-Shem, p. 44a.

<sup>57</sup>Emmanuel, Sefunot, IX, 214.

<sup>58</sup>Graetz, loc. cit.



outnumbered his adversaries. A series of persecutions ensued and Hakam Zebi and Hagiz were openly insulted and attacked. David Nunez Torres, hakam of the Sephardic community of Hague, wrote "as the party of seven rabbis was stronger, the other two rabbis [Hakam Zebi and Hagiz] were persecuted terribly there and were finally obliged to move elsewhere."<sup>59</sup> Moses Hagiz especially was adversely affected by the Sephardic interdict. A stranger in the city, his sole means of support had been tutorial fees and the favors of the wealthy Portuguese. When these avenues of sustenance were closed to him, Hagiz was compelled to leave Amsterdam. He travelled to London and from there migrated to Altona where he resided until 1738.<sup>60</sup>

The Sephardim gave Hayyun free reign in calumniating his foes. He published a work entitled Ha-Zad Zebi in which he attacked Hakam Zebi as "singular in his generation in haughtiness and evil doing."<sup>61</sup> Soon thereafter feeling impelled to justify their actions, the Sephardim issued a manifesto entitled Kosht Imre Emet presenting their side of the case. While the Portuguese in Holland were attacking Hakam

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<sup>59</sup>Cited by Graetz, loc. cit.

<sup>60</sup>Sonne, Kobez 'al Yad, n.s. II, 159, points out that Hagiz remained for a short period in London as can be seen from his correspondence with Morpurgo. From Altona Hagiz returned to Palestine where he died in Safed.

<sup>61</sup>Ha-Zad Zebi, Introduction.

Zebi numerous rabbis in Italy were publishing bans against Hayyun.<sup>62</sup> Among the rabbis outside of Amsterdam, Judah Leib ben Simon Frankfurter of Mainz raised a solitary voice in favor of the controversial Kabbalist, praising Hayyun's accomplishments and criticizing him only for publicizing Kabbalistic mysteries whereby misunderstanding might arise.<sup>63</sup>

In Amsterdam--the center of the conflict--Hayyun's supporters sought to depose Hakam Zebi and to banish him from the city. The Sephardim influenced the civic authorities to place the rabbi of the German congregation under house arrest. The question of his incumbency as rabbi was once again brought before the magistrates and several professors were consulted regarding the matter.<sup>64</sup> Emden later wrote that

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<sup>62</sup>The texts of many of these are included in the Milhamah la-Shem. The letter against Hayyun sent by Abraham Segre, rabbi of Kassel, is also found ibid., pp. 136-176. A. Berliner reprinted this letter from a manuscript in the Magazin für das Wissenschaft des Judenthums, XVII (1890), 15-20, without mention of previous publication. The letter is identical with the document published in the Milhamah la-Shem except for an additional brief closing paragraph.

<sup>63</sup>Graetz, X, Appendix, C.

<sup>64</sup>Mulder, Jaarboekje, p. 43. The Ashkenazic Parnasim had not desisted from their attempts to secure a reversal of the decision of the Dutch magistrates with regard to the dismissal of Hakam Zebi. It was the Ashkenazim themselves who sought the opinion of a Gentile professor--Wilhelmus van Surenhuysen--hoping that the authority of such a scholar might carry weight with the burgomasters. Sluys, Beelden, p. 31. Subsequently, the magistrates consulted other professors. Cf. Vredenburg, Jewish Encyclopedia, II, 203; Sigmund Seeligmann, "Amsterdam," ibid., I, 540. Surenhuysen was a professor of Hebraic studies who achieved renown for his translation of the Mishnah into Latin. Vide Graetz, X, 312-13.

The Ashkenazic parnasim requested Surenhuysen to make an official translation of Hakam Zebi's contract. In

when the litigation was brought before the civic courts his father decided to leave Amsterdam lest "the Divine Name be defamed among the gentiles."<sup>65</sup> Elsewhere Emden adds that his father feared that he might be compelled "to show in a book published by an author known as a scholar in Israel, with the approbations of wise men, great scholars of the generation, matters foreign and bitter to the Jewish faith."<sup>66</sup>

Indeed, scorned and hindred on every side, Hakam Zebi found conditions in Amsterdam intolerable. It is important to note that his bitter adversaries, Aaron Abrahamsz. Polak and Samuel Cohen de Jonge, were once more elected to the

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Surenhuysen's opinion the provisions of the contract stipulated only a three-year term of office. He considered the phrase "unto eternity may he lead us" to be merely an expression of sentiment which "did not constitute a law or a contract binding for more years." To his translation of the contract Surenhuysen appended several questions which were subsequently posed to Professors Johannes Meyer of Harderwyk, Adrianus Reland of Utrecht, Johannes Heymans and Carolus Schaaf of Leiden. These scholars expressed their agreement with Surenhuysen's conclusions. Despite this the burgomasters did not, at the time, reconsider their judgment. They continued to support Hakam Zebi in his position and once more instructed the Ashkenazic authorities to pay the rabbi's salary. Furthermore Hakam Zebi's allies were able to persuade Schaaf to retract the statement in which he had concurred with Surenhuysen on the question of the rabbi's tenure. Sluys, Beelden, pp. 31-33. For another instance in which the Ashkenazim themselves consulted the Gentile professors of Leiden, Harderwyk and Utrecht--in this case regarding a purely halakic question--cf. E. Slijper, "Een merkwaardig proces anno 1752," Bijdragen en Mededeelingen IV (1924), 130-146.

<sup>65</sup> Emden, Torat ha-Kenafot, p. 33b.

<sup>66</sup> Megillat Sefer, p. 34.

Ashkenazic Council of Parnasim. An attempt on the part of Hakam Zebi's allies to upset the election by means of government intervention was unsuccessful. In December, Zebi Ashkenazi sent a letter to the burgomasters sketching the conditions under which he had accepted the rabbinical position and the difficulties he had encountered during his incumbency. He requested the magistrates to order the synagogue authorities to make payment of his salary arrears and to provide him with the expenses of the journey in conjunction with his departure from Amsterdam. On December 20, the civil authorities summoned the Ashkenazic parnasim to appear before them but a final decision was not issued.<sup>67</sup> Meanwhile Hakam Zebi sent his wife and family to the city of Emden<sup>68</sup> and himself prepared to leave Holland. In his correspondence with Hakam Zebi, Naphtali Cohen notes his friend's intention to depart and comments, "I was extremely distressed at the exile of a scholar such as yourself."<sup>69</sup> Before the question of a salary was settled, Hakam Zebi fled from Amsterdam, perhaps secretly, with the aid of Solomon

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<sup>67</sup> Sluys, Beelden, p. 35.

<sup>68</sup> Kaufmann, REJ, XXXVII, 280; Megillat Sefer, loc. cit.

<sup>69</sup> Kaufmann, REJ, loc. cit.

Levi Norden and a few friends.<sup>70</sup> On January 3, he went by boat to Rotterdam and from there he repaired to London.<sup>71</sup>

## B. Nehemiah Hayyun and His Writings

### 1. Background and Events Prior to Arrival in Amsterdam

At the center of the controversy that raged across the European continent from the Netherlands to Germany, Italy and England and spread to the Orient and the Holy Land stands the figure of Nehemiah Hayyun. Hayyun was a powerful personality who attracted devoted friends and furious enemies. He has been described as a base hypocrite and an unscrupulous adventurer, a charlatan who lived a life of dissimulation and imposture.<sup>72</sup> It is not our purpose here to determine the validity of such a characterization. However, a brief sketch of the course of his career prior to 1713 is necessary for a proper understanding of the situation as it developed in Amsterdam.

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<sup>70</sup>Vredenburg, Jewish Encyclopedia, II, 203; Mulder, Jaarboekje, p. 43. Among those who accompanied Hakam Zebi to the boat two have been identified as Marcus van Praagh and Solomon Isaacq Cohen. The latter paid the fare for Hakam Zebi's journey by boat to Rotterdam. Sluys, Beelden, p. 35.

<sup>71</sup>Loc. cit. In Rotterdam, on January 5, in the presence of a notary named Johan Verme, Hakam Zebi named Solomon Isaacq Cohen and Abraham Sadick as his executors, to make claims for his salary arrears. On February 1, the burgo-masters awarded Hakam Zebi a sum of 767 1/8 gulden for salary arrears and 200 gulden for rent. Thereupon the parnasim made a counter claim. Exactly how the matter was settled is not clear from the documents.

<sup>72</sup>Graetz, X, 343; David Kahana, Toledot ha-Mekubbalim, I, 124.

Of Sephardic descent, Nehemiah Hiyya ben Moses Hayyun was born about the year 1650. He came from a family that hailed from Salonica but had later settled in Sarajevo.<sup>73</sup> It is probably in this city that Hayyun was born although he posed as a native of Safed. In one of his works he wrote that he was born in Alexandria whilst his parents were en route to settle in the Holy Land. He claimed that he grew up in Palestine and only in his 19th year did he return to Sarajevo where he married the daughter of Samuel Almoli. The testimony of the rabbis of Smyrna conflicts with Hayyun's assertions. They state that Hayyun's birthplace was Sarajevo and that he had spent his youth in that city. Furthermore, they report that in Sarajevo he had on one Sabbath day abducted the maid servant of a certain Abraham Molira but had afterwards been captured.<sup>74</sup> No matter which version of the story of Hayyun's youth is the authentic one, it appears that at some time Hayyun resided in the Holy Land.<sup>75</sup> Upon his departure from Palestine he received a high recommendation from Rabbi Aharon Perahya ha-Cohen of Salonica<sup>76</sup> and was for

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<sup>73</sup>Rosanes, IV, 482.

<sup>74</sup>Hagiz, Sheber Poshim; Emden, Torat ha-Kenafot, pp. 316 and 326. In their haskamah to Hayyun's Raza di-Yihudah (Venice, 1711) the Venetian rabbis refer to Hayyun as  
מחושבי עיר הקודש כגליל העליון צפת.

<sup>75</sup>Rosanes, IV, 483. Cf. Scholem, Shabbethai Zebi weha-Tenua, I, 288, n. 3.

<sup>76</sup>Rosanes, loc. cit.

a short period appointed rabbi of the community of Uskup. Hagiz relates that at this early stage of Hayyun's career ill rumors already circulated regarding his behavior.<sup>77</sup> After leaving Uskup Hayyun led a wandering life as a teacher, preacher and merchant. He stayed briefly in Belgrade where he was ostensibly engaged in commerce.<sup>78</sup> Brieli states that in 1691 Hayyun was in Leghorn. Here his questionable conduct attracted much unfavorable attention. It was said that he was wont to chant a lascivious song entitled "La Bella Margarita."<sup>79</sup>

Hayyun himself confesses to having relations with Shabbethaians. He admits that on several occasions he attempted to discover their theories of the mystery of the godhead, but claims that the Shabbethaian Kabbalists "with one voice answered that they had been foresworn not to reveal [this secret] to any person."<sup>80</sup> Elsewhere he refers to his disagreement with a disciple of Cordoza. Years later Hayyun's documents were seized in Hanover. From the contents of some of the letters then found we know of his contact with Samuel Primo.<sup>81</sup>

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<sup>77</sup>Graetz, X, Appendix, LXXVI.

<sup>78</sup>Hayyun, Ha-Zad Zebi, p. 376.

<sup>79</sup>Graetz, X, loc. cit.

<sup>80</sup>Hayyun, Ha-Zad Zebi, p. 31a.

<sup>81</sup>Emden, Torat ha-kenaot, pp. 40b-42b; Graetz, X, Appendix, XXII and LXXVI; Rosanes, loc. cit.

Hayyun writes that from 1698 to 1702 he sojourned in Shehem. The rabbis of Constantinople refer to his stay there, describing it in a most derogatory manner.<sup>82</sup> His travels then took him to Egypt where he was reputed to have practiced witchcraft and magic.<sup>83</sup> Thence, he made his way to Smyrna in which city he began to propagate his teachings openly. He had already composed the Oz le-Elohim and the Bet Kodesh ha-Kodshim. These treatises he showed to members of the populace, among whom he soon acquired a group of admirers. Several affluent Portuguese were willing to assist him in the publication of these writings and to establish on his behalf a Bet Midrash in one of the cities of the Holy Land.<sup>84</sup> However, he also encountered opposition in Smyrna. Rabbi Benjamin Levi states that he saw Hayyun's writings, considered them heretical and sought to discredit their author. Levi attests that Hayyun at first had a considerable following but that after some time had elapsed his treachery was exposed to all. Hayyun, on the other hand, writes that when he departed from Smyrna some 2000 people accompanied him to the boat and so effusive was their farewell to him that non-Jews present thought that he must be the Messiah. In the same account, Hayyun does however admit that he had made enemies

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<sup>82</sup> Emden, Torat ha-Kehaot, p. 32b.

<sup>83</sup> Ibid., p. 31a.

<sup>84</sup> Graetz, X, Appendix, LXVII; Rosanes, IV, 484.



in Smyrna for he accuses his opponents of having sent a messenger bearing a slanderous letter against him to Abraham Yitzhaki of Jerusalem.<sup>85</sup>

Yitzhaki acted on the intelligence immediately. Shortly after Hayyun's arrival in Palestine the Jerusalem rabbinate issued a herem against him and dispatched it to Smyrna. They declared that he was a "heretic, a non-believer and a sorcerer" and that it was "forbidden to support him." The anathema contains no mention of Hayyun's Shabbethaian sympathies or of his writings. The purpose of the letter was to assure that further support be withheld from Nehemiah Hayyun and indeed his prospects in Smyrna were ruined. The defamatory document addressed to Yitzhaki included sharp censure of Hayyun's activities in Egypt, asserting that in that country "all his actions were deeds of sorcery."<sup>86</sup> It was to Egypt that Hayyun now repaired once more. From there he embarked on his travels throughout Europe.<sup>87</sup>

In 1710 Hayyun again appeared in Leghorn. Ergas reports, "in the year 1710 this snake Hayyun came to this city Leghorn and we went to observe his habits." Ergas claims to have seen the Mehemnuta and to have identified it as a Shabbethaian treatise.<sup>88</sup> The same year Hayyun visited

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<sup>85</sup>Graetz, X, Appendix, LXXVII and LXXIX.

<sup>86</sup>Emden, Torat ha-Kerofat, loc. cit. For Hayyun's behavior in Egypt vide Schölem, "Teudah le-Toledot ha-Shabbethaut," Zion, III (1929), 176, n. 8.

<sup>87</sup>Graetz, X, Appendix, LXXVIII-LXXIX.

<sup>88</sup>Joseph Ergas, Ha-Zad Nahash (London, 1715), p. 32a.

Venice and ultimately obtained the permission of three rabbis of the community--Solomon Nizza, David Altaras and Raphael da Silva--to print a small treatise written by him entitled Raza di-Yihudah. In justification of their approval of this work these rabbis later wrote that they had seen only part of the book. The approbation bearing their signatures that Hayyun subsequently published in the 6z le-Elchim they declared to be an outright forgery claiming that they had never seen the Mehemnuta or the commentaries on it.<sup>89</sup> The Raza di-Yihudah openly sets forth a doctrine of the Trinity as an article of Jewish faith. In this work Hayyun asserts that three persons (Parzufim) are embodied in the godhead: namely, the Holy Primeval One (Attika Kaddisha) and two emanations, the Holy King (Malka Kaddisha) and the Shekhinah.<sup>90</sup> In reciting the confession "Hear O Israel, the L-rd our G-d the L-rd is One" every Jew must reflect on this Trinity. Hayyun writes "from what has been said previously it can be inferred that in [pronouncing] the three Divine names included in the Shema--which are the L-rd our G-d the L-rd--one must meditate on the three bonds of the faith, as can be seen from passages of the Zohar. . . ." <sup>91</sup> At the conclusion of the treatise

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<sup>89</sup>Graetz, X, Appendix, LXXIX gives "Salomon Altaras" as the name of one of the three rabbis who signed the haskamah. The signature printed in the Raza di-Yihudah is David b. Solomon Altaras.

<sup>90</sup>Raza di-Yihudah, p. 4a.

<sup>91</sup>Ibid., p. 6a.

Hayyun added a mystical hymn entitled Keter Elyon. Following this he appended a poem in which his name was included in an acrostic. The poem, to be recited after reading the Addrah Rabbah and the Zohar, begins as follows:

לא באלהא מרגליתא בפום דכל בר חי  
 כי אם בפום רבינו הוא שמעון בר יוחאי...

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This poem later occasioned the severe accusation of Hakam Zebi that Hayyun "did not believe in the G-d in whom all living people believe."<sup>93</sup> Others attacked it on the grounds of its allusions to a profane love song "la Bella Margarita." In Ha-Zad Zebi Hayyun himself concedes his intentional use of secular references.<sup>94</sup>

From Italy Hayyun journeyed to the cities of Germany. Arriving in Prague in the fall of 1711 he stated his intention to remain there for two weeks. So sympathetic was the reception with which he was met that he stayed in Prague close to a year.<sup>95</sup> A circle of youthful admirers gathered around him. He was patronized by Joseph Oppenheim and acclaimed by Naphtali Cohen. During this time he composed the Dibre Nehemiah, a homelitical work,<sup>96</sup> and received for it the

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<sup>92</sup> Ibid., p. 45a.

<sup>93</sup> Freimann, p. 122.

<sup>94</sup> Hayyun, Ha-Zad Zebi, p. 36a.

<sup>95</sup> Kaufmann, REJ, XXXVI, 274.

<sup>96</sup> Hayyun, Dibre Nehemiah (Berlin, 1713), Introduction.

approbation of David Oppenheim. In his haskamah Oppenheim writes, "Even though I received only one leaf of his entire book as a sample and consequently it would have been correct to withhold my support from him, nevertheless . . . the students of my yeshiva testify that he is a great man."<sup>97</sup>

From Prague Hayyun travelled throughout Moravia and Silesia spreading his teachings and acquiring followers in the cities of Vienna, Nikolsburg, Prossnitz, Breslau, Glogau and Berlin. Secretly, he entered into a close relationship with Lcbel Prossnitz.<sup>98</sup> The growing Jewish community of Berlin was split into rival factions. Hayyun on his part turned the dissension to his own advantage and gained the favor of the small but wealthy party of the court Jewess Liebmann. Aaron Benjamin Wolf rabbi of Berlin and son-in-law of Liebmann, willingly gave his approval of Hayyun's works. In his approbation Wolf declared that he took it upon himself to grant a haskamah to Hayyun although he had no personal knowledge whatsoever of mystic subjects, relying in this instance on the

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<sup>97</sup> Ibid., letter of approbation signed by David Oppenheim. Later Oppenheim noted that he had intended this approbation only for the Dibre Nehemiah and not for the Oz le-Elohim in which Hayyun had also included it. Oppenheim claimed that he had never seen the latter work. I. Z. Kahana, Sinai, XXI, 332.

<sup>98</sup> Kaufmann, REJ, XXXVI, 275-76.

laudatory commendations previously given to Hayyun by other rabbis.<sup>99</sup> At this time, Naphtali Cohen was in Berlin but subsequently claimed that he feared to unmask Hayyun as a charlatan lest by so doing he fan the flames of the internal quarrel in the Berlin community.<sup>100</sup> The exiles from Vienna had brought with them to Berlin a lively interest in Kabbalah and the mood of the community presented a favorable climate for Shabbethaian propaganda.<sup>101</sup> Here Hayyun succeeded in printing both the Dibre Nehemiah and the Óz le-Elohim. In the end his books appeared with an impressive array of testimonials including letters of approbation from Naphtali Cohen, David Oppenheim and Aaron Wolf and the haskamot--authentic or forged?--of Gabriel Eskeles of Nikolsburg, Joseph Flametta of Ancona, Judah Leib ben Moses of Glogau and Solomon Mizza, David Altaras and Solomon da Silva of Venice. Armed with these publications and commendations Nehemiah Hayyun set forth for the Dutch metropolis.

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<sup>99</sup> vide Wolf's approbation included in both the Óz le-Elohim and the Dibre Nehemiah:

ואף גם שאין לי ידיעה (בקבלה אמיתית) כחחילה בסוף ובהעלם  
 בינתיים ... אין לי אלא דברי הגאונים אשר קדמוני והפליגו  
 בשכחא דהאי ספרא דצניעותא.

<sup>100</sup> Kaufmann, REJ, XXXVI, 276.

<sup>101</sup> Kaufmann, Ha-Hoker, p. 67; L. Landshuth, Toledot Anshe ha-Shem (Berlin, 1883), p. 16.

## 2. Hayyun's Mysticism.

On different occasions Hayyun gave three conflicting accounts of the authorship of the Mehemnuta. Once he stated that he had found the text in a copy of a Zohar in Safed.<sup>102</sup> On another occasion he declared that a maggid in the city of Rashid had dictated the treatise to him and he seems to have reiterated this story on different occasions.<sup>103</sup> When Hayyun's papers were examined in Hanover, a letter was found whose contents indicate that Hayyun claimed that the Mehemnuta was of Shabbethaian origin.<sup>104</sup> When he printed the work in Berlin in 1713 he published the text without reference to author, not mentioning any of these sources.

His adversaries, however, immediately identified the Mehemnuta de Kulla as a clearly recognizable Shabbethaian document. Hakam Zebi wrote "its author is the known heretic Shabbethai Zebi . . . and Hayyun . . . feared to mention him for had he mentioned him explicitly all Israel would have condemned it [the book] to burning without seeing what was written therein."<sup>105</sup> Joseph Ergas declared, "When I opened the book, I saw its contents . . . the Mehemnuta de Kulla and I recognized it as the treatise named Raza di-Mehemnuta

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<sup>102</sup>Hayyun, Ha-Zad Zebi, p. 31.

<sup>103</sup>Graetz, X, Appendix, XLII; Scholem "Te'udah," Zion, III, 172-73.

<sup>104</sup>Emden, Torat ha-ken'at, p. 40b.

<sup>105</sup>Freimann, p. 122.

which Shabbethai Zebi composed after he became a Turk while residing in Alkum."<sup>106</sup> There are many manuscript copies of the Raza di-Mehemnuta. In several the pamphlet is entitled Raza di-Mehemnuta la-Amirah (a pseudonym for Shabbethai Zebi). Aside from a few textual variations the Mehemnuta de-Kulla printed by Hayyun in Berlin is identical with this Raza di-Mehemnuta as found in manuscript form. Hayyun's story regarding the origin of the work is negated by the earlier testimony of Abraham Cordozo which corroborates Ergas' statement. In the Raza de Razin Cordozo declares, "Whilst I was in Ridosto . . . in the year 1687 I received a pamphlet Raza di-Mehemnuta written by a certain scholar from the words of Shabbethai Zebi in Alkum which is in the country of Arnot. Scholem has identified Alkum as Dulcigno--where Shabbethai Zebi spent the declining years of his life--and considers the work to have been transcribed by an unknown Shabbethaian pupil.<sup>107</sup>

The Raza di-Mehemnuta contains the most explicit presentation of the Shabbethaian doctrine of Sod Elohus--the mystery of the godhead. Shabbethaians considered this secret to be their own special revelation. Their theology is based on a fundamental concept of dualism. They distinguish between the hidden G-d whom they refer to as the First Cause--

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<sup>106</sup>Ha-Zad Nahash (London, 1715), p. 32a.

<sup>107</sup>Scholem, Shabbathai Zebi weha-Tenua, II, 776; ibid., p. 777, n. 1. Cf. also Scholem's article "Beruhiya, Rosh ha-Shabbethaim be-Salonica," Zion, VI (1941), 181, n. 2.

Sibah Rishonah--and the revealed God who is the God of Israel Elohe Yisrael, Malka Kaddisha. The First Cause has nothing to do with creation and with the world and does not exercise providence. The First Effect of the First Cause, the God of Israel, is the God of Revelation and Sinai. This God is the Creator of everything. A further emanation of God is the created revealed glory and radiance known as Shekhinah and some Shabbethaians developed a Trinity of the First Cause, the God of Israel and the Shekhinah. The goal of their religion was to effect the union of the God of Israel and the Shekhinah.<sup>108</sup>

Even before Hayyun's journey to Europe copies of his commentaries circulated among Shabbethaian Kabbalists.<sup>109</sup> Published in 1713, the only work of Shabbethaian Kabbalah ever to be printed,<sup>110</sup> Hayyun's 'Oz le-Elohim developed at length one exposition of this new Trinity. In summation Hayyun writes,

Know ye that the foundation of the faith is to know and believe that there are three bonds of faith and the three of them are one. . . . And the two which Malka Kaddisha [the Holy King] and his Shekhinah are emanations of the one who is 'Attika Kaddisha d'Kol Kaddisha (the Primeval One, Holy of Holies). . . . In all our meditations it is necessary to reflect on these three bonds of the faith and the entire Torah is woven around this.

<sup>108</sup>Scholem, Major Trends in Jewish Mysticism (New York, 1961), pp. 322-23. For Shekhinah vide ibid., p. 111. Cf. Scholem, Shabbethai Zebi weha-Tenua II, 779-81; Graetz, X, Appendix, XLII-XLV and LXXXIV-LXXXVI.

<sup>109</sup>Scholem, "Teudah," Zion, III, 175, n. 7.

<sup>110</sup>Scholem, Major, p. 323.



Hayyun cites numerous passages of the Zohar which he interprets in a manner demonstrating that the Universe is composed of a system of triads.<sup>111</sup>

The doctrines propounded in the Mehemnuta and in Hayyun's commentaries clearly conflict with the fundamental beliefs of Judaism. Whatever role personal animosity or ambition played in fanning the flames of the feud and in preventing the Ashkenazic and Sephardic communities from achieving cooperation and mutual arbitration there can be no doubt that basic to the entire quarrel was a genuine theological dispute that transcended the jurisdiction of any individual kehillah--a question of the purity of the faith. Writing about the keen opposition to Shabbethaian theologians in general Scholem states, "The furious reaction of Orthodoxy and also of Orthodox Kabbalism against this attempt to tear the God of Reason and the Revealed God asunder is only too comprehensible."<sup>112</sup> It was in this spirit that Hakam Zebi attacked Hayyun so fiercely. The denial of the providential nature of the First Cause and of the unity of G-d runs counter to the most basic tenets of Orthodox faith. Hakam Zebi felt duty bound to declare:

It is a clear and simple matter that the First Cause, may He be blessed . . . is a simple unity, unparalleled and this is the faith of all Israel . . . and that Him we the people of G-d serve and /to Him we/ pray . . . and for this principle we are obligated to offer our

<sup>111</sup>Cited by Graetz, X, Appendix, LXXXIV. For Hayyun's concept of a Trinity cf. also Nieto, Esh Dat, pp. 13-14 and 17-22. This trinitarian doctrine became one of the fundamental beliefs of the Frankists. Cf. Danon, "Une Secte Judeo-Musulmane en Turquie," REJ, XXXV, 267, n. 3.

<sup>112</sup>Scholem, Major, p. 324.

bodies, our souls and our might and whoever denies this denies the foundation of our faith and has no share in G-d the L-rd of Israel nor in his holy Torah. . . . Presently there came hither . . . Nehemiah Hiyya Hayyun . . . bearing a certain book which he published in Berlin. . . . Upon reading this book I saw that he contests this great above mentioned principle . . . saying that the First Cause is not a simple unity without beginning or end. . . . I therefore found myself obligated by virtue of our faith--the faith of all the seed of Israel--to arouse their hearts [the rabbis of Israel] with these brief words.<sup>113</sup>

Another important issue of contention was Hayyun's claim that it was permissible to study Kabbalah under any teacher regardless of the man's personal piety. It was Hayyun's opinion that Kabbalah was a subject of philosophic investigation rather than of transmitted revelation. Hakam Zebi, Hagiz and their allies disagreed most sharply with Hayyun's interpretation of the Mishnah in Hagigah (2:1) "Whosoever gives his mind to four things, it were better for him if he had not come into the world."<sup>114</sup>

His adversaries frequently inveighed against Hayyun's deportment. In Ha-Zad Zebi, Hayyun states that Ashkenazi and Hagiz charged him with having publicly desecrated the Sabbath

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<sup>113</sup>Freimann, pp. 119-22.

<sup>114</sup>For a general discussion vide Graetz, X, Appendix, LXXXV-LXXXVI. Scholem, "Beruhiya," Zion, VI, 181-82 points out that Graetz erred in ascribing to Hayyun a theory of incarnation accepted by some radical Shabbethaians, notably the followers of Beruhiya. For further details on some of the points of contention vide Nieto, Esh Dat, pp. 3-5; Freimann, pp. 119-22; Kaufmann, REJ, XXXVI, 279-80; Hayyim ha-Cohen Rapoport, Zeker Hayyim (Lemberg, 1865), p. 67.

and the Day of Atonement.<sup>115</sup> Naptali Cohen described Hayyun as steeped in sensuous pleasures.<sup>116</sup> Hayyun was accused of travelling in the company of a prostitute in the course of his second journey through Europe.<sup>117</sup> Shabbethaian Kabbalists had developed a doctrine of the holiness of sin and among some members of the sect antinomianism was common.<sup>118</sup> These denunciations of Hayyun's behavior clearly constitute an attempt on the part of his detractors to identify Hayyun with the Shabbethaian sectarians.

### C. Social and Personal Factors in the Dispute

#### 1. Sephardim and Ashkenazim

Emden writes that Ayllion presented the matter to the Sephardic parnasim as an issue affecting the prestige and independence of the Sephardic community. According to Emden, Ayllion in person visited each member of the ma'amad to argue his case. He pointed out that the honor of the hakam involved the honor of the entire community. In accordance with the primary of the Sephardic community, it was fitting that the decision of their hakam be given precedence over that of the rabbi of the Ashkenazic kehillah. Since the time

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<sup>115</sup>Hayyun, Ha-Zad Zebi, Introduction.

<sup>116</sup>Kaufmann, REJ, XXXVI, 275.

<sup>117</sup>Emden, Torat ha-Kena'ot, p. 35b.

<sup>118</sup>Scholem, "Mitzvah haba'ah be-'Awerah," Knesset, II (1937), 381-87; Scholem, Major, pp. 313-20.

of the founding of the Jewish community in Amsterdam, the Ashkenazim had been "subject to and humbled by" the Sephardic kehillah. The Sephardim had been the first Jewish settlers of Amsterdam. They were wealthy and aristocrats "greatest in importance and number, in riches and honor, ancestry and glory." Now Ayllion argued it was a question of the honor due the Sephardic community. "To raise the measure of the stature of the Ashkenazic rabbi over that of the Sephardic hakam" would be to forfeit the rightful claim of the Sephardim to supremacy.<sup>119</sup>

Hagiz too writes that the desire for power--in particular, on the part of the Portuguese parnas, Aaron de Pinto--was a significant factor in intensifying the quarrel. Ayllion visited de Pinto to plead with him and to importune him to persuade the Sephardim to uphold the position of their hakam. He convinced de Pinto that it was his duty as parnas to safeguard the superiority of the Portuguese congregation.<sup>120</sup> Subsequently Hagiz claimed that when he wished to make peace it was de Pinto who hindered all attempts at reconciliation.<sup>121</sup> Aaron de Pinto, the parnas whom Hagiz singles out as a power in the community came from an influential family of financiers--a family whose members had for generations played a prominent

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<sup>119</sup>Megillat Sefer, p. 32.

<sup>120</sup>Milhamah la-Shem, p. 30b.

<sup>121</sup>Ibid., p. 35a.

role as trustees of the congregation. The Portuguese parnasim were men of affairs who wielded considerable influence in the community at large and to whom the honor and reputation of the Sephardic kehillah was a matter of utmost concern.<sup>122</sup>

There is a strong likelihood that the competition between the two communities did affect the course of the quarrel. As we have noted, the balance of power between these two kehillot was gradually changing. The Ashkenazim were steadily gaining in numbers and wealth.<sup>123</sup> For the Sephardim to concede to the opinion of Hakam Zebi and to overrule their own Bet Din would have given the Ashkenazic community yet more prestige. At such a time it was probably more important than ever for the Sephardim to preserve their dignity and perhaps consciously or unconsciously this factor affected their behavior in the Hayyun controversy. Throughout the progress of the dispute traces of this motive are visible. In a reply to Brieli, the Sephardic parnasim wrote, "Your Excellency could not have been unaware that there is in this city a community of Portuguese, may the L-rd enhance [its stature] most noble and older than that of the Germans. It is not subject to anyone whomsoever nor is it obligated in ordinary affairs to follow the views of another Bet Din, but rather [must follow] its own Bet Din. . . . Their honor [Ayllion] and

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<sup>122</sup>Emmanuel, Sefunot, IX, 221-22. Regarding the wealth of the de Pinto family vide Van Dillen, Geschiedenis, p. 590.

<sup>123</sup>Supra, p. 60.

his court<sup>7</sup> is the honor of our holy congregation."<sup>124</sup> The Sephardim emphasized their objection to the intervention of an outside authority. In a further communication they wrote to Brieli, "Just as we do not deem ourselves to have the right to intervene in the government of other communities so do we not permit anyone whomever to dare to disturb us or to disrupt our unity."<sup>125</sup> The Portuguese authorities were particularly opposed to the intervention of the Ashkenazim. Their feelings are expressed explicitly in the words of the first injunction against Hakam Zebi proclaimed on 20 Heshwan "One must prevent the above Hakam Zebi from intervening in the administration of our community which has always been free from the intervention of other communities and one must attempt to maintain this independence."<sup>126</sup> Again, in the ban of 2 Kislew, the members of the ma'amad asserted the necessity of "endeavoring to achieve our unity and maintain our independence lest any person dare to intervene in our government."<sup>127</sup>

## 2. The Relationship between Zebi Ashkenazi and Solomon Ayllion

An element of personal jealousy on the part of Solomon Ayllion towards Hakam Zebi may also have entered into the

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<sup>124</sup> Emmanuel, Sefunot, IX, 228-29.

<sup>125</sup> Ibid., p. 231.

<sup>126</sup> Ibid., p. 238.

<sup>127</sup> Ibid., p. 240.

issue. We have already noted their respective stands in the case of David Nieto and the fact that Ayllion's antipathy may have been aroused. Emden reports that when Hakam Zebi arrived in Amsterdam, the Sephardim accorded him unprecedented honors.<sup>128</sup> Emden mentions that one of the reasons for his father's popularity among the Sephardim was the fact that he spoke their language. This is significant in light of the fact that the Sephardim and Ashkenazim had no common language. In general the Sephardim did not speak Judeo-German, the Ashkenazim had no knowledge of Spanish or Portuguese and neither group was conversant in Dutch.<sup>129</sup> Perhaps Emden renders an exaggerated account of the adulation of his father on the part of the Sephardim. However, they did show Hakam Zebi every sign of regard. One sees evidence of their respectful attitude toward him in the stand taken by the ma'amad with regard to both the takkanot of 1711 and the question of Hakam Zebi's incumbency. In the Kosht Imre Emet, the Sephardim themselves mention that originally the doors of their synagogues were closed to Hayyun at the behest of Hakam Zebi.<sup>130</sup> Thus Ayllion may well have resented the position of esteem accorded Hakam Zebi by the Portuguese congregants. He is reported to have criticized Hakam Zebi's arrogance and to have expressed

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<sup>128</sup>Megillat Sefer, p. 25.

<sup>129</sup>Hirschel, Geschiedenis, pp. 456-57; Van Dillen, ibid., p. 595.

<sup>130</sup>Freimann, p. 129.

the opinion that "Hakam Zebi considers himself greater than Moses, our Teacher."<sup>131</sup>

Similar accusations of pride were repeatedly levelled against Hakam Zebi by his opponents. Hayyun writes that the rabbi of the Ashkenazic congregation was "known in all the world for his haughtiness and pride."<sup>132</sup> In his study of the course of the quarrel Graetz, too, interprets Hakam Zebi's behavior as being motivated by pride. Graetz notes that when asked to transcribe the heretical passages in Hayyun's works, Hakam Zebi answered that "to do so was not in accordance with his honor for he was a rabbi who decrees and not a recorder for householders."<sup>133</sup> Furthermore, to the suggestion that he join the Sephardic investigatory committee, Hakam Zebi replied that the elite of Jerusalem "did not seat themselves until they knew who would be seated with them and the seating arrangement." From the latter statement Graetz infers that Hakam Zebi intimated that he would not sit in a court of which he were not the head.<sup>134</sup> The Sephardim gave other reasons for

<sup>131</sup> Graetz, X, Appendix, LXXXVII.

<sup>132</sup> Hayyun, Ha-Zad Zebi, Introduction.

<sup>133</sup> Graetz, X, Appendix, CXII, quotes only the first part of the statement attributed to Hakam Zebi. Seen in context, Milhamah la-Shem, p. 30a, the remark may admit of a different interpretation:

כי הוא רב וגו' אך לא רושם לבעלי בתים ויצא שיכיאן הרשימו  
לידי מי שאיננו בקי ויסתירו אה דבריו ויצא המשפט מעוקל.

<sup>134</sup> Ibid., p. 30b. It should be noted that Hakam Zebi was particularly conscious of his dignity and role as rabbi and head of a congregation. Cf. Megillat Sefer, pp. 66 and 102.



Hakam Zebi's refusal to appear before their Bet Din; they claimed that he feared his arguments would not stand up before the Sephardic court. They charged that Hakam Zebi's sole intention was "to sow dissension in this city and in the whole world"<sup>135</sup> and that he was moved by personal hatred of Hayyun rather than by theological considerations.<sup>136</sup>

### 3. Ayllion's Shabbethaian Leanings

Solomon ben Jacob Ayllion was probably born in 1660 in Salonica<sup>137</sup> and it was there that he spent his youth. Subsequently, he settled in Safed where he was appointed as an emissary to collect funds in Europe for the poor of the Holy Land. In 1688, we find him in Leghorn,<sup>138</sup> from there he proceeded to Amsterdam and thence to London where he was appointed hakam of the Sephardic congregation (19 Siwan 1689).<sup>139</sup> His eleven year tenure of office in that community was troubled. Serious accusations were made against him and his authority impugned by a certain Abraham Fidanque who conducted a private Talmud school in that city.<sup>140</sup> After an investigation

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<sup>135</sup>Emmanuel, Sefunot, IX, 228-29.

<sup>136</sup>Freimann, p. 131.

<sup>137</sup>Nadav, Sefunot, III-IV, 303, ns. 2, 3.

<sup>138</sup>Graetz, X, Appendix, XCI.

<sup>139</sup>Gaster, p. 23.

<sup>140</sup>Ibid., pp. 27-28 and 37. Jacob Sasportas, She'elot u' Teshubot Ohel Ya'akov (Amsterdam, 1737), nos. 67 and 73 mentions a Jacob Fidanque. Cf. A. M. Hyamson, The Sephardim of England (London, 1951), p. 69, who refers to both Jacob and Abraham Fidanque, father and son, as being involved in the dispute.

of the charges against Ayllion, the London ma'amad exonerated the hakam of the alleged offenses but harmony was not restored to the community. In 1701, Ayllion resigned from this post to accept an appointment as associate rabbi of the Portuguese congregation of Amsterdam. The senior hakam at the time was Solomon de Oliveira. Ayllion served as head of the Sephardic congregation until his death in 1728. There is every evidence that he had the respect and honor of his own community throughout this period. Certainly, the great majority of his congregants supported him in his stand on the Hayyun question. During his term of office, the Portuguese yeshiva Ez Hayyim flourished. After Ayllion's demise two of his own students--David Israel Athias and Isaac Hayyim Abendana de Britto--succeeded him as hakamim of the kehillah. Never before had a native of the community been appointed hakam.<sup>141</sup>

During the Hayyun controversy, however, in which Ayllion was a principal instigator, many charges were levelled against him. Moses Hagiz in particular heaped obloquy and vilification upon the Sephardic hakam. Many of these allegations were made in the heat of the battle and in an exaggerated manner.<sup>142</sup> Nevertheless, several of them have been shown to be founded on facts. Hagiz writes that Ayllion's wife left her first husband without obtaining a

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<sup>141</sup>D'Ancona, Geschiedenis, pp. 293-94 and 297.

<sup>142</sup>Cf. Nadav, Sefunot, III-IV, 304 and ibid., n. 4.

bill of divorce and later left her second spouse to marry Solomon Ayllion. According to Hagiz, Ayllion, in his expositions, identified himself with King David, his wife variously with Mihal, daughter of Saul and with Bathsheba, her first husband with the primeval snake and her second husband with Uriah the Hittite. There is no evidence to substantiate or refute these contentions of Hagiz.<sup>143</sup> Hagiz' assertion that Ayllion was closely allied with Shabbethaian circles in Salonica<sup>144</sup> has been confirmed by a Shabbethaian source in which Ayllion is mentioned in connection with the students of Nathan of Gaza. We know too of Ayllion's contact with Shabbethaians in Leghorn to whom he expounded his mystic doctrines.<sup>145</sup>

In the English capital there were many who sympathized with the Messianic movement, but the question as to whether or not Ayllion attempted to propagate sectarian teachings there is largely a matter of supposition. His Shabbethaian activities could not have been practiced openly for we find Jacob Sasportas and Zebi Ashkenazi--both relentless foes of Shabbethianism--referring to him at the time in a respectful manner.<sup>146</sup> As Nadav points out, the transition to Amsterdam

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<sup>143</sup>Ibid., p. 305; Hagiz, Sheber Poshim, pp. 33b and 40b.

<sup>144</sup>Ibid., p. 9b.

<sup>145</sup>Nadav, Sefunot, III-IV, 304-305.

<sup>146</sup>Hakam Zebi, no. 1; Ohel Ya'akov, no. 64.

was a move to a better position. Hagiz reports that Ayllion gave his oath never to leave the London community but that he purposely invalidated this vow by removing the phylacteries from the bag upon which he swore and replacing them with two onions. According to Hagiz, Ayllion also claimed that his oath was null and void since he swore never to accept a position at any future time whereas in actuality the acceptance had already taken place and hence was not covered by the oath. Nadav stresses the fact that such duplicity was recognized practice among Shabbethaians. Even though there may have been some discord between Ayllion and his congregants, nevertheless, she also notes that the story as narrated by Hagiz indicates that there was a desire on the part of the London kehillah to retain Ayllion as their spiritual leader.<sup>147</sup> When Ayllion did depart the London ma'amad presented him with a grant of 50 guineas in appreciation of his services.<sup>148</sup>

Hagiz was a resident of Amsterdam prior to the arrival of Ayllion but voiced no protest at the appointment of Ayllion as hakam. He later maintained that he was silent regarding Ayllion's beliefs "in order not to weaken the hand of sincere penitents and I said to myself since he has risen to this position let him not descend for the sake of the honor of

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<sup>147</sup>Nadav, Sefunot, III-IV, 306.

<sup>148</sup>Hyamson, p. 69.

the community which has stumbled in ignorance."<sup>149</sup> Once the controversy broke out Hagiz disclosed his information concerning Ayllion's background accusing him in the case at hand of partiality to a fellow Shabbethaian.

A treatise written by Ayllion has been published recently with a brief interpretive article and annotations by Yael Nadav. The central doctrines of this treatise are in the tradition of Nathan of Gaza and the Shabbethaian Kabbalists of Salonica and the Balkans. The name of Nathan of Gaza is mentioned eight times in initials in the manuscript and the treatise discusses the creation of the world in terms of Nathan's doctrine of a dualism of two primordial lights. Nadav suggests that the manifest content of this work of Ayllion is a symbolical cover for the true subject of the treatise--the nature of the Messiah. The document certainly confirms Ayllion's Shabbethaian leanings.<sup>150</sup>

The extent to which these beliefs may have influenced him in his relationship to Hayyun is open to conjecture. Graetz advances the opinion that Ayllion feared that his past connections with Shabbethaians might be revealed by Hayyun and consequently he felt compelled to support him.<sup>151</sup> Hagiz,

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<sup>149</sup>Hagiz, Sheber Poshim, p. 33b.

<sup>150</sup>Nadav, Sefunot, III-IV, 302-347.

<sup>151</sup>Graetz, X, 354.

on the other hand, argues that if Ayllion wished to "bury his past" he would have remained neutral in the struggle. In Hagiz' opinion, Ayllion supported Hayyun in an outright attempt to propagate Shabbethaian beliefs.<sup>152</sup> Nadav suspects that Ayllion's own beliefs did not constitute the only reason for his support of Hayyun. She does not consider Ayllion's Shabbethaian views to have been close to those of Hayyun. Noting the great number of haskamot given by Solomon Ayllion, she advances the dubious suggestion that the position he took with regard to the approbation of the 'Oz le-Elchim may have been an expression of his general policy of liberality and tolerance with reference to publications.<sup>153</sup>

#### 4. Moses Hagiz

Being the first to conduct a campaign against Hayyun in Amsterdam, Moses ben Jacob Hagiz stood by Hakam Zebi throughout the course of the entire dispute. In the Kosht Imre Emet the Sephardim did not shrink from giving the severest characterization of Hagiz, describing him as an inveterate troublemonger and a contentious wrangler.<sup>154</sup>

Prior to the appearance of Hayyun, Hagiz had been involved in some personal difficulties with the Sephardic authorities in Amsterdam. It would however appear that these

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<sup>152</sup>Hagiz, Sheber Poshim, pp. 9b-10a.

<sup>153</sup>Nadav, Sefunot, III-IV, 309.

<sup>154</sup>Fraimann, p. 129.

had been resolved and an amicable relationship had been established. In 1694 Hagiz left Jerusalem as an emissary. In Leghorn he attempted to gain financial support for the reestablishment of a private Klaus in the Holy Land. Unsuccessful in this endeavor he made his way to Amsterdam.<sup>155</sup> In that city in the year 1707, Hagiz published a work entitled Sefat Emet in which he criticized the Amsterdam Portuguese kehillah. In his opinion the Sephardim squandered their fortunes on worldly pleasures. Taking cognizance of the wealth of the community, he deemed their yearly donation of 800-1000 florins for the poor of the Holy Land to be an insufficient sum. Actually, in addition to the yearly donations the Portuguese kehillah bestowed handsome allocations upon the messengers from the Holy Land. In the course of the year these contributions amounted to a considerable sum.<sup>156</sup> Approached to express their opinion on this book, Solomon de Oliveria, Solomon Ayllion and their court asserted that <sup>Hagiz</sup> ~~Hagiz~~ was too severe in his references to the community and that he had written untruths. A ban was pronounced on reading or purchasing the Sefat Emet and Hagiz was forbidden to circulate the work in Amsterdam or to send it outside of Holland.<sup>157</sup> However, when a volume of his

<sup>155</sup>For Hagiz' life vide Graetz, X, Appendix, LXXXVII-XC; Frumkin, II, 124-35.

<sup>156</sup>Emmanuel, Sefunot, IX, 211.

<sup>157</sup>Ibid., pp. 223-24. Cf. D'Ancona, Geschiedenis, p. 295.

novellae on the Shulhan 'Aruk Orah Hayyim and Yoreh De'ah entitled Leket ha-Kemah was printed in Amsterdam Hagiz obtained the approbations of both de Oliveria and Ayllion. In this work Hagiz slighted the communal leaders of Leghorn. The parnasim of that city complained bitterly to the Amsterdam ma'amad for permitting publication of the book.<sup>158</sup> In 1709 the Amsterdam Bet Din sent a response signed by Solomon Ayllion, David Aben-Atar and Solomon Judah Leon, to the rabbis of Leghorn defending Hagiz against all charges.<sup>159</sup> The Portuguese parnasim, too, wrote to Leghorn that the complaints against Hagiz were groundless. They mentioned that Hagiz was prepared to appear before any Bet Din and that he had given them his promise to publish no book that might lead to further complaint.<sup>160</sup> In a letter to Abraham Suleimah, a wealthy congregant of Leghorn the parnasim again refer to the matter stating that they found no fault with Hagiz' works.<sup>161</sup> From their forthright defense of Hagiz it is evident that the Sephardim did not at that time continue to bear a grudge against him for what he had written in the Sefat Emet.

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<sup>158</sup>This letter was subsequently printed in Hayyun in the Moda'a Rabah.

<sup>159</sup>Hagiz included Ayllion's letter at the close of the Sheber Poshim.

<sup>160</sup>Emmanuel, Sefunot, IX, 224-26.

<sup>161</sup>Ibid., p. 212.



All indications are rather that they extended a hand of friendship and support to Hagiz. He established a yeshiva for Sephardim for which purpose he doubtless required the consent of the hakam and the malamad. Many wealthy Portuguese sent their children to study under his tutelage. They also helped finance the publication of the writings of Moses Hagiz and his father.<sup>162</sup>

Emmanuel has suggested that Hagiz' deep seated opposition to Ayllion may have its roots in a personal grudge. In 1692 Hagiz' brother-in-law, Hizkiah da Silva was offered the rabbinate of the Sephardic community of Amsterdam. In the end he did not become hakam and in 1699 Solomon Ayllion was appointed to the position.<sup>163</sup>

Whatever may have been the situation before the quarrel over Nehemiah Hayyun during the feud Hagiz did indeed write sharply against Ayllion and the Portuguese Bet Din. Consequently, the Sephardim severed all relations with him. So strong was their feeling of resentment toward him that it persisted for years after the dispute and extended even into the next generation.<sup>164</sup>

##### 5. Naphtali Cohen

One of the most active participants in the controversy,

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<sup>162</sup>Ibid., p. 216.

<sup>163</sup>Ibid., p. 217.

<sup>164</sup>Ibid., p. 218.

Naphtali Cohen, was related by marriage to Hakam Zebi.<sup>165</sup> Gabriel Eskeles of Nikolsburg, was also related to both Cohen and Hakam Zebi.<sup>166</sup> In their Manifesto the Sephardim stressed the relationship of Eskeles and Cohen to the rabbi of the German congregation.<sup>167</sup> Hayyun also emphasized this relationship intending thereby to impugn the motives of all three men. He writes that the situation "resulted in three relatives [mehutanim] bearing witness on behalf of one another."<sup>168</sup> When Hagiz suggested that the entire case be brought before a court consisting of Brieli, Eskeles and Cohen, the Sephardic ma'amad objected on the grounds that they did not wish to involve rabbis from outside of Amsterdam in the deliberations and that moreover two of these three rabbis were related to one another.<sup>169</sup>

The role of Naphtali Cohen is of particular interest. Having himself once been filled with admiration for Hayyun, Cohen underwent a dramatic reversal and became one of Hayyun's most militant antagonists. Following a brief imprisonment on charges of arson (January 14, 1711) Cohen was forced to leave his rabbinical position in Frankfort am-Main.<sup>170</sup>

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<sup>165</sup>Kaufmann, "R. Naftoli Cohen in Kampfe gegen Chajjun," Jahrbuch für Jüdische Geschichte und Literatur, II (1899), 135, n. 2.

<sup>166</sup>Kaufmann, Ha-Hoker, p. 12.

<sup>167</sup>Freimann, p. 132.

<sup>168</sup>Hayyun, Ha-Zad Zebi, Introduction.

<sup>169</sup>Emmanuel, Sefunot, IX, 216.

<sup>170</sup>Regarding Cohen's thaumaturgy cf. Kaufmann, JIGL, II, 125, n. 3, Landshuth, Amude ha-Aboda (Berlin, 1857), p. 282 and Graetz, X, Appendix, LXXXII.

He moved to Prague where nine months later he made the acquaintance of Nehemiah Hayyun. It was no difficult matter for Hayyun to gain the confidence of Cohen. The latter possessed a credulous nature, had a keen interest in Kabbalah and an affinity for Sephardic scholars.<sup>171</sup> The former chief rabbi of Frankfort soon came to be enchanted by the Sephardic mystic and gladly gave him a glowing letter of approbation: ". . . Nehemiah Hayyun, a trusted divine mystic. . . . Two sparks of light proceed from the Bet Kodesh ha-Kodshim . . . it is called by name . . . and the other . . . he called its name 'Oz le-Elohim . . . and both are equally good . . . I have read a large portion of them and they were very sweet to my palate."<sup>172</sup> In the letters that Cohen later addressed to Hakam Zebi he reveals the initial appeal of Hayyun--an attraction to which others were not immune--and gives a detailed description of Hayyun's activities in Prague. Many residents of Prague shared Naphtali Cohen's enthusiasm for the Sephardic visitor. Hayyun and Taragon were quartered in the homes of prominent communal leaders; the chief rabbi's

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<sup>171</sup>Kaufmann, REJ, XXXVI, 274. For other instances of Cohen's credulousness vide Kaufmann, JIGL, II, 127 and D. Kahana, Toledot ha-Mekabbalim, I, 128, n. 2.

<sup>172</sup>Hayyun, 'Oz le-Elohim, letter of approbation. The haskamah was also reprinted by Kaufmann, REJ, XXXVI, 272.

son, Joseph Oppenheim, accorded them warm patronage.<sup>173</sup> At first, Hayyun declared himself loath to write any amulets outside of the Holy Land and expressed his intention of remaining in Prague but fourteen days. However he tarried in the city and gradually a change in his demeanor was perceptible. He let it be known that the heavenly chariot had descended into his room, in person he had spoken with the Shekhinah, angels of the L-rd deferred to him as servants to a master and Elijah the Prophet had written him a letter. He claimed that he was possessed of the power to resurrect the dead and to create new worlds.<sup>174</sup> The populace lent a credulous ear to his boasting and the various amulets he now wrote were in great demand. One such amulet, Cohen relates, brought ill-fate to the only son of Joseph Oppenheim.<sup>175</sup> Meanwhile Hayyun steeped himself in worldly pleasures and occupied his

<sup>173</sup>Ibid., p. 274. Hayyun, Dibre Nehemiah, Introduction, writes:

ואפריון נמטיה להרב המופלא המחזיק כיד החורה ולן' הרב מהר"ר יוסף אופנהיים ... אשר אח ביתה נתן לי מטה ושולחן וכסא ומנורה ...

<sup>174</sup>Kaufmann, REJ, XXXVI, 275.

<sup>175</sup>Loc. cit.; Emden, Torat ha-Kena'ot, p. 34b; Kaufmann, Samson Wertheimer (Vienna, 1888), p. 96, n. 1. Regarding Hayyun's amulets cf. Scholem, "Teudah," Zion, II, 174, n. 2.

leisure time in card playing. Naphtali Cohen now realized his error. Suspecting that Hayyun and Taragon were Shabbethaian sympathizers, he sought to retrieve his haskamah but was unable to do so.

When he again encountered Hayyun in Berlin, Cohen wished to reveal Hayyun's duplicity to the public. However, in this city Cohen was without position or standing whereas Hayyun was sheltered in the home of an influential Christian and had obtained government protection. Cohen asserted later that he hesitated to make a public issue in Berlin for another reason; namely, that that community was already torn asunder into rival factions and he was afraid of enflaming the quarrel further. Landshuth, describing the mood then prevalent in Berlin, notes that the community harbored many Shabbethaian sympathizers and writes that had Naphtali Cohen attempted an expose of Hayyun at that time, he would probably have met with powerful opposition.<sup>176</sup>

The first communication from Hakam Zebi to Cohen regarding Hayyun's heresy reached Cohen at an inauspicious time. He was in Breslau and had just heard the tidings that there was a serious pestilence in Prague and that his family was encamped outside the city.<sup>177</sup> Nevertheless, he sent an immediate reply to Ashkenazi taking a firm stand and advocating the

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<sup>176</sup>Landshuth, Toledot Anshe ha-Shem, p. 16.

<sup>177</sup>Kaufmann, JIGL, II, 134.

severest punishment for Hayyun. Cohen wrote that he had seen only selected pages of the Öz le-Elohim and that he had never seen the Mehemnuta nor had he known of an arrangement of commentaries.<sup>178</sup> In the subsequent correspondence Hayyun threw himself into the fray attacking Ayllion and the Sephardic Bet Din.<sup>179</sup> On October 20, 1713, he pronounced a herem against Hayyun in the synagogue of Rabbi Eliezer Segal in Breslau.<sup>180</sup> In further communications to Amsterdam Cohen answered some of the criticisms contained in the Ha-Zad Zebi, revealed Hayyun's admission that he wrote amulets to obtain money<sup>181</sup> and relayed the testimony of a Jerusalemite on Hayyun's witchcraft in Egypt.<sup>182</sup> Cohen's letters give every indication of genuine disillusionment. Having himself once given his approval to the Öz le-Elohim--"since the stumbling block was caused by myself, to my great sin, for with my signature I absolved the guilty"<sup>183</sup>--he felt morally obligated to join battle against Hayyun.

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<sup>178</sup>Kaufmann, REJ, XXXVI, 276. Cf. Graetz' criticism of Cohen, X, Appendix, LXXXII-LXXXIII and Kaufmann's defense, JIGL, II, 136.

<sup>179</sup>Kaufmann, REJ, XXXVI, 278.

<sup>180</sup>Ibid., XXXVII, 274-75.

<sup>181</sup>Ibid., pp. 278 and 281.

<sup>182</sup>Ibid., pp. 279 and 282.

<sup>183</sup>Ibid., XXXVI, 277.

6. David Nieto

As has been mentioned, David Nieto, the hakam of London, was indebted to Hakam Zebi for the latter's intervention on his behalf several years previous to the feud over Hayyun. At the same time, on the other hand, Nieto had obtained no support from the Amsterdam court of which Solomon Ayllion was a member. That Nieto should now become a loyal supporter of Zebi Ashkenazi cannot be dismissed as merely a case of the payment of a personal debt of gratitude. Nieto's stand in the controversy was in keeping with his character and his general attitude as hakam. He had at all times been active and outspoken in his defense of tradition and most important among his numerous works is the Matteh Dan or Kuzari Helek Shení which contains a vigorous defense of the Oral Law against unbelievers.<sup>184</sup>

It has been pointed out that the London and Amsterdam communities were in constant communication and that there was some Shabbethaian activity in the English capital--probably a result of the influence of Nieto's predecessor, Solomon Ayllion. The possibility has been advanced that the early antagonism that Nieto encountered stemmed from the secret adherents to the Shabbethaian movement. It has even been suggested that one of the reasons that the London Sephardic

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<sup>184</sup> The Matteh Dan (London, 1714) is the only work of Nieto that gained popularity and was frequently reprinted. Vide Solomons, Transactions, XII, 25-28.

congregation chose Hakam Zebi as a judge in the issue was his known opposition to Shabbethaianism.<sup>185</sup> Hayyun's activities aroused much interest and it is probable that Nieto feared that Hayyun might spur a recrudescence of the heresy and reactivate sympathetic groups within the London congregation. Seeking to prevent "the pernicious consequences of this schism,"<sup>186</sup> Nieto became a militant member of the opposition to Hayyun. He authored a devastating critique of Hayyun published in Hebrew under the title Esh Dat and in Spanish as Fuego Legal. This book is written in the form of a dialogue between Dan and Naphtali and is divided into two parts. The first portion contains an analysis of Hayyun's system; the second is a discussion of the principles of Jewish Law and the true import that is to be attributed to Kabbalah and demonstrates that if properly understood there is no dichotomy between the revealed and mystic aspects of the Torah. In the special preface to the Spanish edition--not included in the Hebrew version--Nieto writes that the Spanish translation is intended for the benefit of the Maranos in order to fortify them against sectarian doctrines. In this preface Nieto mentioned that he had written more extensive writings against Hayyun but hesitated to publish the material in its entirety. A manuscript authored by Nieto entitled "Reflexiones

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<sup>185</sup>Gaster, pp. 107-111.

<sup>186</sup>Solomons, Transactions, XII, 31, citing Nieto's preface.



Theologicas y Morales sobre el execrable Systema de Nehemiya Hilya Hayon" appears to be a continuation of the Spanish preface to the Fuego Legal. In it Nieto denounces Hayyun's teachings and deplores the abuse to which Hakam Zebi and others have been subjected. He prays that his brethren will "refuse, abhor and detest the new gods and new rituals which we do not know nor our fathers, but in faith unite ourselves with the one and true G-d."<sup>187</sup>

In the preface to the Fuego Legal, Nieto refers to Cordozo's Boker Abraham. Several manuscripts of Cordozo's writings were at the time circulating in the London community.<sup>188</sup> However, Nieto's polemics proved effective in quelling the Shabbethaian movement in London and in eliminating "any support which the friends of that heretical party in Amsterdam might have obtained among the members of the congregation."<sup>189</sup> London became a center of literary activity to combat the danger. In 1714 Hagiz printed the Sheber Poshim there. The following year Joseph Ergas' polemical writings, the Tokahat Mezullah against the 'Oz le-Elohim and Ha-Zad Nahash, an answer to Shalhebet Yah were also published in London. A pamphlet against Hayyun written by Naphtali Cohen and probably entitled

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<sup>187</sup> Ibid., pp. 31-33.

<sup>188</sup> Gaster, p. 109.

<sup>189</sup> Ibid., p. 118.

Hereb Pipiyot may also have been printed in London.<sup>190</sup> The vigorous opposition of the London congregation served as a final blow to the Amsterdam Sephardim.

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<sup>190</sup>Graetz, X, Appendix. Cf. Furst, Judaica, II, 198.

## EPILOGUE

Following the departure of Hakam Zebi and Hagiz the Sephardim granted amnesty to individuals who in violation of the herem had previously associated with these rabbis but the prohibition against communicating with them or reading their writings remained in effect.<sup>1</sup> The Portuguese later pronounced another ban to include Hagiz' Sheber Poshim.<sup>2</sup> Influenced by the Portuguese the Ashkenazim followed suit. On August 16 and 19, 1715, they pronounced a ban in the synagogue against Moses Hagiz and all his works; any congregant in possession of these books was to bring them within two days to the president of the Council of Parnasim, Aaron Abrahamsz. Polak.<sup>3</sup> It appeared that in Amsterdam Hayyun and his advocates were victorious. Theirs, however, was a dubious triumph.

Within the Sephardic kehillah itself there had been stirrings of discontent. In protest Abraham Senior joined the Ashkenazic congregation. On 27 Shebat 5474 the Sephardim placed Senior under the ban but he begged pardon and on 6

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<sup>1</sup>Emmanuel, Sefunot, IX, 219.

<sup>2</sup>Loc. cit.

<sup>3</sup>Sluys, Beelden, p. 36.

Adar the herem was revoked.<sup>4</sup> David Nunez Torrez, hakam of Hague, wrote a pamphlet criticizing the Portuguese court and condemning Hayyun's works as blasphemous. The ma'amad sent him a copy of their Manifesto but he was not moved to retract his criticism. Accordingly, the Bet Din placed him under an interdict on 9 Elul.<sup>5</sup> The Amsterdam ma'amad also received a letter against Hayyun from Abraham Yitzhaki. They replied that they had found Hayyun's behavior in Amsterdam blameless and that they considered themselves obligated to heed only their own hakam and his Bet Din.<sup>6</sup>

Soon, however, the Sephardim could no longer turn deaf ears to the tumult against Hayyun. Letters of excommunication against him were pouring in from all parts. They could not ignore the indictment of Hayyun signed by the lay leaders of Smyrna and the herem issued by the rabbis of Constantinople condemning Hayyun as a heretic to whom not even a night's lodging was to be granted.<sup>7</sup> A month later the Ashkenazic authorities received a communication containing a ban against Hayyun signed by three emissaries from Jerusalem who were at the time residing in Constantinople and including a copy of the earlier ban of 1708. Among the signatures was that of

<sup>4</sup> Emmanuel, Sefunot, IX, 219 and 241-42.

<sup>5</sup> Ibid., pp. 218-19.

<sup>6</sup> Ibid., pp. 242-44.

<sup>7</sup> Graetz, X, Appendix, C; Emden, Torat ha-Kena'ot, p.

Abraham Yitzhaki.<sup>8</sup> Although banished from Amsterdam Hagiz did not cease in his efforts to distribute polemical writings. He published a pamphlet in Berlin (Iggeret Ken'ot, later appended to the Sheber Poshim) in which he openly criticized Hayyun and his Sephardic supporters. In an attempt to silence the growing clamor of his critics, Hayyun wrote a small apologetic pamphlet entitled Mod'at Rabah which was printed in Amsterdam in the month of Nissan, 5474. Therein Hayyun presented a brief autobiography answering some of Brieli's accusations and in retaliation showering calumny on Hagiz. The hand of Ayllion is evident in this work; he had furnished Hayyun with the documents from Leghorn and Jerusalem arraigning Hagiz on several counts although Ayllion himself and his own court had declared these very charges to be entirely unjustified.<sup>9</sup>

An Italian Kabbalist, Joseph Ergas of Leghorn,<sup>10</sup> now joined Hayyun's opponents and authored a polemical work entitled Tokahat Megullah. To this Hayyun penned an answer which he called Shalhebet Yah. Protected by the Portuguese, he circulated other incendiary pamphlets. In Ketobet Ka'ka he attacked Ergas; in Pitka min Shemayah, Zebi Ashkenazi,

<sup>8</sup>Ibid., p. 306.

<sup>9</sup>Graetz, loc. cit.; Emmanuel, Sefunot, IX, 224-27.

<sup>10</sup>Joseph Ergas also wrote a collection of responsa entitled Dibre Yosef (Leghorn, 1742) and several works on kabbalah and ethics. Vide Ghironi, p. 146.

Hagiz and Briell. In Iggeret Shebukin he again attacked Hagiz, reprinting the incriminating documents from Leghorn. However, Hayyun's opponents were not to be silenced. From England they launched a new literary offensive. In 1714, Hagiz printed the Sheber Posh'im referring on the title page to the "three calamities, Hayyun, Cordozo and Ayllion." The book contains numerous allusions to Ayllion's youthful transgressions and Shabbethaian learnings. Soon thereafter Nieto's Esh Dat was published at the express order of the London ma'amad.<sup>11</sup>

The Portuguese authorities in Amsterdam felt that they could no longer maintain Hayyun in their midst. On Iyar 29 they promised him an annual stipend on the condition that he settle in Palestine.<sup>12</sup> Finally, Hayyun was prevailed upon to leave the city. The Sephardim provided him with letters of introduction to a number of Jews and non-Jews and he commenced upon a journey to the Orient in an attempt to have the excommunication pronounced by the Constantinople Bet Din rescinded.<sup>13</sup>

As Hayyun travelled eastward, no Jewish community accorded him refuge.<sup>14</sup> The rabbis of Leghorn obtained a decree

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<sup>11</sup>Solomons, Transactions, XII, 30.

<sup>12</sup>Emmanuel, Sefunot, IX, 222.

<sup>13</sup>Graetz, X, Appendix, CI.

<sup>14</sup>Hagiz, Lehishat Saraf (Hanau, 1726), p. 7a.

from the civil government forbidding him the right of passage. Arriving in Constantinople Hayyun found all doors barred to him. Hayyun asserts that he sent the 'Oz le-Elohim and the Ha-Zad Zebi to a Palestinian authority Rabbi Abraham Ze'ebi of Hebron and that the latter sent him a letter declaring these works to be beyond reproach. Hayyun then travelled to Salonica where on the basis of Ze'ebi's testimonials he was able to secure a letter signed by Joseph Kobo and Solomon Amarillo. This letter was addressed to a rabbi of Constantinople, Hayyim Kimhi, and requested him to persuade the Constantinople rabbis to annul the herem against Hayyun. Hagiz casts aspersions on the authenticity of all these documents.<sup>15</sup> He records the rumor that Hayyun first approached the members of apostate Shabbethaian sects and only when rejected by them did he turn to the Jewish community.<sup>16</sup> Hayyun returned to Constantinople toward the end of the year 1717. Naphtali Cohen was then in the city and Hayyun claimed that his former antagonist become reconciled with him. Hagiz admits that Rabbi Hayyim Alfandri did intercede with Naphtali Cohen on Hayyun's behalf, but he asserts that Cohen remained obdurate and refused to have any dealings with Hayyun.

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<sup>15</sup>Ibid., pp. 5a-b. Graetz, loc. cit., points out that Ze'ebi was the son-in-law of a Shabbethaian sympathizer, named Abraham Quenqui.

<sup>16</sup>Hagiz, loc. cit. Rosanes, IV, 489, notes that Hayyun's writings are found in the archives of the Donnah in Salonica.

Meanwhile Hayyun gained the favor of a vizier through whose influence the kehillah was forced to give Hayyun some means of sustenance and the rabbis were compelled to release him from the ban.<sup>17</sup> Six years after the attempted reconciliation with Naphtali Cohen, in the year 1724, Hayyun secured a document releasing him from the sentence of excommunication. The annulment was signed by Judah Rosanes and two other of the thirteen rabbis who had issued the herem against Hayyun ten years previously. Hayyun was freed from the ban solely on condition that he abstain from writing, teaching or preaching on kabbalistic subjects.<sup>18</sup>

With the document attesting to his release from the herem Hayyun returned to Central Europe. Disguised as a Turk, he stayed briefly in Vienna where at the court of the Emperor, he denounced the Jews for their blindness.<sup>19</sup> Traveling through Moravia he once more activated the followers of Lobel Prossnitz.<sup>20</sup> His enemies asserted that on this journey he was accompanied by a well-known prostitute.<sup>21</sup> Hayyun travelled to Glogau, Berlin and Hanover, but nowhere was he

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<sup>17</sup>Hagiz, Lehishat Saraf, pp. 6a and 8a; Emden, Torat ha-Kemaot, p. 36b.

<sup>18</sup>Hagiz, loc. cit. Rosanes is the author of the Mishneh le-Melek (Constantinople, 1731), commentary on Maimonides' Mishneh Torah.

<sup>19</sup>Hagiz, Lehishat Saraf, p. 3a; Emden, Torat ha-Kemaot, p. 35b.

<sup>20</sup>Ibid., p. 42b.

<sup>21</sup>Ibid., p. 35b.



welcome. In Hanover his papers were taken from him. The documents found incriminated him still more and he was banished from the city.<sup>22</sup>

In January 1726, Hayyun arrived once more in Amsterdam. There, in a final attempt to regain favor, he published his last book, Ha-Kolot Yehudelun, which contained the text of the release from the ban granted to him in Constantinople. However, he no longer found a sympathetic response among his former friends. Documents in the archives of the Portuguese community record that on 24 Adar II 5486, the congregation promised him four hundred florins and a yearly stipend on condition that he would never again come to Amsterdam but would dwell permanently in Palestine. Finally, on Siwan 16 of that year, he received a sum of 600 florins for travel expenses and took an oath before the hakam under penalty of herem, never to return to Amsterdam. When, however, Hayyun was once more in Amsterdam shortly before Ayllion's death, the Sephardic hakam refused to see him.<sup>23</sup> Emden relates that Ayllion publicly conceded his error and expressed his remorse for having persecuted Hakam Zebi.<sup>24</sup>

In Elul, 1725, Ezekiel Katzenellenbogen, rabbi of AHW included Hayyun in a ban directed against Lobel Prossnitz. On

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<sup>22</sup>Graetz, X, Appendix, CIV.

<sup>23</sup>Emmanuel, Sefunot, IX, 222.

<sup>24</sup>Megillat Sefer, p. 47. Cf. Nadav's theory, Sefunot, III-IV, 310 and the editorial comment, loc. cit., n. 43.

18 Shebat 1726, one Zerah ben Mordecai of Constantinople gave witness before the Altona Bet Din that only under duress had the rabbis of Constantinople revoked the herem against Hayyun. Once more Katzenellenbogen pronounced the ban against Nehemiah Hayyun. At the end of Adar I the rabbis of Frankfort also issued a sentence of excommunication against him.<sup>25</sup> At the beginning of Adar II, Hagiz published a final work against Hayyun entitled Lehishat Saraf. Virtually isolated Hayyun was reduced to mendicancy. In Berlin he threatened to embrace Christianity if his needs were not relieved.<sup>26</sup> In Prague he was not granted admittance to the city.<sup>27</sup> Forsaken by all his old supporters, Hayyun fled to Africa where, according to Wolf, he died in obscurity about 1733.<sup>28</sup> His son converted to Christianity and endeavored to avenge his father by denunciations of Jewish writings before the tribunal of the Inquisition in Rome.<sup>29</sup>

After his departure from Amsterdam, Hakam Zebi travelled to the English capital at the invitation of the Sephardic congregation of that city. The London communities--

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<sup>25</sup>Hagiz, Lehishat Saraf, p. 8a.

<sup>26</sup>Ibid., p. 36; Torat ha-Kena'ot, p. 44a.

<sup>27</sup>Emden accuses the wife and mother-in-law of Jonathan Eybeschütz of bringing food to Hayyun outside of Prague. Hitabbekut (Altona, 1762), p. 109b.

<sup>28</sup>Johan Cristoph Wolf, Bibliotheca Hebraea (Hamburg, 1715-33), IV, 929.

<sup>29</sup>Loc. cit. Hagiz, Mishnat Hakamim (Wandsbeck, 1733), p. 103.

both Ashkenazic and Sephardic--accorded him a princely reception offering him lavish gifts and showering him with various tributes.<sup>30</sup> During his visit his portrait was painted in oil. It was completed by a stratagem since for reasons of modesty and personal piety Hakam Zebi did not wish to have his likeness taken.<sup>31</sup> On leaving London, Hakam Zebi rejoined his family in the city of Emden. Whilst yet in Amsterdam, he had decided to move to Poland<sup>32</sup> and thither the family now proceeded. En route they tarried for a short period in Hanover where once more Hakam Zebi's advice was sought in settling the quarrel over the estate of Hertz Hanover. Then the family journeyed to Halberstadt, Berlin and Breslau.<sup>33</sup> In Breslau Zebi Ashkenazi met his staunch ally, Naphtali Cohen. Emden writes that Cohen had "abundant and tried affection and communion of spirit with my father, may his memory be blessed, especially after the unfortunate incident with Hayyun."<sup>34</sup> The friendship was closer than ever and a match was arranged between Zebi Ashkenazi's son Jacob (Emden) and Naphtali Cohen's granddaughter Rachel, daughter of

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<sup>30</sup>Megillat Sefer, p. 36; Kaufmann. Transactions, III, 116-18.

<sup>31</sup>Megillat Sefer, p. 37; Emden, She'elot Ya'abez, I, no. 170.

<sup>32</sup>Megillat Sefer, p. 34.

<sup>33</sup>Ibid., pp. 37-39.

<sup>34</sup>Ibid., p. 39. For further information on the family of Mordecai Cohen vide Kaufmann, Schriften, III, 138-49.

Mordecai Cohen, the rabbi of Ungarish-Brod. A marriage date was set for the following year and the family continued their travels eastward. From the vicinity of Opatow, Poland, Hakam Zebi was summoned to Hamburg to serve as one of the judges in a complicated legal dispute. Emden accompanied his father to Hamburg and later they went to Breslau for the former's wedding.<sup>35</sup>

Zebi Ashkenazi then returned to Poland where for a short span of time his family was supported by a wealthy admirer. Upon the death of Simha Cohen Rapoport towards the end of 1717, Hakam Zebi was called to the rabbinate of Lemberg. In this city he was honored by the congregation and was held in high repute among the non-Jews as well. He instituted beneficial reforms particularly with regard to taxation, civil disputes, and the educational system. His ministry was, however, very brief. On May 2, 1718, the second day of rosh hodesh Iyar barely three months after having entered upon this office, his life came to an end.<sup>36</sup>

News of the loss occasioned public lamentation and grief in the Jewish communities of Europe. In London, as was

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<sup>35</sup>Emden, Megillat Sefer, p. 60, writes that after the wedding he did not again see his father.

<sup>36</sup>Ibid., pp. 45-46; Torat ha-Kena'ot, p. 33b. With reference to the authenticity of a legend concerning an incident alleged to have occurred during Hakam Zebi's tenure as rabbi of Lemberg--mentioned by Epstein, I, 715--vide Margolis, Sinai, XXXI, 89.

their custom upon the demise of one of their own hakamim, the Sephardim draped the synagogue in black and erected a catafalque.<sup>37</sup> Arriving in Lemberg several months later, Emden writes that he found the members of the community still mourning Hakam Zebi's death. Emden erected a tombstone on his father's grave and delivered a eulogy which was published later under the title Yezib Pitsam.<sup>38</sup> The eulogy-- as are Emden's other works--is replete with expressions of the regard and admiration which Emden had for his father. Emden, who viewed his father's life as the prototype for his own,<sup>39</sup> especially singles out for praise that fearlessness and zealotness which resulted in Hakam Zebi's departure from Amsterdam:

That day on which you stood before the L-rd your G-d and you endangered your life to go forth armed and to fight His battle, to avenge the vengeance of the L-rd of Hosts. . . . Very nearly the faith was lost and severed until you arose like a lion, a father in Israel, and returned the crown to its ancient glory.<sup>40</sup>

The record of Zebi Ashkenazi's four years in Amsterdam is far from splendid. Hakam Zebi's ministry was brief and

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<sup>37</sup>Megillat Sefer, pp. 37 and 47.

<sup>38</sup>This eulogy was published in Altona in 1740 by Emden in commemoration of the death of his son, also named Zebi.

<sup>39</sup>Emden frequently quoted the Talmudic dictum

"אירע לאב אירע לבן"

(e.g. Mor u'Keziah, II, Introduction) and was wont to describe himself as

"קנאי בן קנאי"

<sup>40</sup>Yezib Pitsam (Kolomea, 1886), p. 18b.

tempestuous, filled with intrigue and disputation. He fought a losing battle against Nehemiah Hayyun and temporarily vanquished, insulted and isolated by the ban, was forced to flee in ignominy. However, ultimately the kehillah was destined to vindicate his memory. The appointment of Hakam Zebi's son-in-law Aryeh Leib as chief rabbi may be taken as a token of the Ashkenazic community's contrition. Aryeh Leib remained in office until his death fifteen years later. He was succeeded by his son, Saul Loewenstamm (1717-1790) one of the most popular chief rabbis of Amsterdam. Known as "Saul Amsterdammer" he achieved renown in the Talmudic world. His incumbency marked a period of effectiveness and productivity on the part of the rabbinate. The reputation of the Ashkenazic congregation during this period superseded that of the Portuguese. Saul's successor was his son Jacob Moses Loewenstamm. On Jacob Moses' demise in 1815, his son-in-law, Samuel Bernstein, was appointed to the post of chief rabbi. The latter remained in this position until his death in 1838.<sup>41</sup> Thus, for close to a century, the members of one family stood at the helm of the Ashkenazic community and the names of Hakam Zebi and his descendants were inextricably linked by history and destiny with the kehillah of Amsterdam.

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<sup>41</sup>sluys, Beelden, pp. 38-39. Cf. Frank, Arjeih Leib, p. 6.

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