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Date **May 27th, 1960**

Signature **R. Adler**
THE LIFE AND WORKS OF RABBI JACOB REISCHER

BY

RABBI RUDOLPH J. ADLER

A DOCTOR'S DEGREE DISSERTATION SUBMITTED TO THE FACULTY OF THE
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INTRODUCTION

Rabbi Jacob Reischer, who lived from approximately 1660 to 1733 C.E. was a prominent Talmudist, Respondent, Rabbi and Headmaster of several Talmudic Academies. He was the author of many books. His best known work is the three-volume Responsa collection, Shebut Ya'akov, from which Reischer received his fame and name in Rabbinic circles, THE SHEBUT YA'AKOB.

Our Rabbi's importance is emphasized by the fact that he represents an important link in the Rabbinic chain of the post-Chmielnicki uprising of 1648, which had become very thin because of the destruction of the Polish Talmudic centre. There were not too many great and important Jewish scholars and leaders, from the activities of the famous TaZ and ShaK--David ben Samuel Halevi (TaZ) and Shabbethai Ha-Kohen (ShaK)--to the world-renowned Gaon of Vilna and Ezekiel Landau.¹

Rabbi Jacob Reischer was one of the few luminaries on the otherwise dark horizon of Jewish learning, and by his constant writing and teaching of Talmudic subjects he assisted his generation to replenish its Talmudic scholarship and learning. Rabbi Reischer was one of the most outstanding professors

¹TaZ--David ben Samuel Halevi of Lemberg, 1586-1667; ShaK--Shabbethai Ha-Kohen of Vilna, 1621-1662; Gaon of Vilna--Elijah ben Solomon, 1720-1797; Ezekiel Landau--Rabbi of Prague, 1713-1793.
of Jewish studies, at a time when few Talmudic academies were in existence.

Another reason why Reischer is an important figure in Jewish history is the fact that during the period under our investigation, only a handful of large and important Jewish communities existed in Central Europe. There were the communities of Prague, Nikolsburg, Vienna, Hamburg, Berlin, Frankfurt o/M, Amsterdam, Fuerth, Worms, and Metz. Rabbi Reischer served in three of these communities for half a century.

Taking these facts into consideration, and the knowledge that Reischer was requested by the greatest Talmudic authorities of his time to give his opinion on questions of law and Jewish life, and that all subsequent rabbis and teachers in Israel have made use of his books and opinions, it is strange that we know so little about his life. No complete biography has ever been written. Most of the brief biographical notes in existence are too sketchy or seem confusing.2

2A. Cahan, Le Rabbinat de Metz Pendant la Periode Francaise, 1567-1817, p. 52 writes: "Jacob Backofen or Bak for short, better known under the name of Jacob Reische or Reischer. These two names came to him, the latter from the place of his birth, the former from the first position he held and in which he made himself known by the publication of some very well thought of works. Before coming to Metz, he was successively assistant Judge of Prague, Rabbi at Reische, at Anspach, and at Worms. He came to Metz in 1716."


Dr. M. Weinberger, Die Memorbuecher der Jud Gemeinde in Bayern, 1937, p. 223: "Man fragte Jacob Reischer, Wohnhaft in Frag,
Prior to this investigation we have no accurate information as to Reischer's date and place of birth. We do not know his teacher or teachers, the places where he served as Rabbi or Rosh Yeshiva. We should know why he moved from position to position, why he had many enemies, who they were, why there was fierce controversy about his books, and why he attacked his contemporaries.

Jacob Reischer was related to both David Oppenheimer and Elijah Spira, influential and important Rabbis and authors. We should know more about that relationship. Our author had two family names, Reischer and Backofen. What was the reason for this? The Reischer family played an important part in the historic controversy of Eybeschutz and Emden. What part did it play?

During this period there were Jewish movements of great importance, dividing the Jewish communities, such as Shabbethai Zebi—Messianism and Cabbalah influence. What was Reischer's stand on these issues?

Finally, we are dealing here with a period in Jewish history which is partially documented by a book written by a

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3 This controversy raged most furiously between 1750 and 1755. A good account can be found in Yekutiel Judah Greenwald's book, Rabbi Jonathan Eybeschutz, New York, 1954.

4 Shabbethai Zebi, pseudo-Messiah, 1626-1676. His movement was continued by Nehemiah Hayun, d. 1726.
Jewish businesswoman and housewife, the well-known Memoirs of Gluckel of Hameln. A complete biography of Jacob Reischer would supplement this account and add a Rabbi's point of view, which would be of utmost importance to the historian. In addition, since the Memoirs end with the events of the year 1715, and since Reischer came to the same city of Metz in 1718, we will have a continuation of the history of the Jewish community of Metz until Reischer's death in 1733.

In the following pages an endeavor will be made to write a biography of Jacob Reischer based upon his works and many writings of his contemporaries. Correspondence with official record keepers and historians from the cities in which our Rabbi flourished has helped to make this account more complete.

5The first edition of the Memoirs was by David Kaufman, Frankfurt o/M, 1896. Another German edition by A. Feilchenfeld, Berlin, 1913 came next. An English translation was prepared by Marvin Lowenthal, Memoirs of Gluckel of Hameln, New York, 1932. Gluckel was a distant relative of Reischer. Her sister-in-law was the aunt of Genendel, first wife of David Oppenheimer. She died in Metz in 1724.

6The writings of:

Ezekiel Katzenellenbogen
Gershon Coblenz

7Archives at Metz, Nueremberg, and Ansbach.
CHAPTER I.

EARLY YEARS

A. The Reischer Family

In this chapter an endeavor will be made to trace the Reischer family-name, and the reason for the second family-name Back or Backofen which is also used. Since we have no document giving the exact date of birth for Jacob Reischer, an effort must be made to pinpoint the date as closely as possible through other means. The sources of the exact date of his death will be discussed, although no tombstone inscription has as yet been discovered.

The first member of the Reischer family known to us is Jacob's grandfather also one called Jacob Reischer. Very little is recorded or known about him, except that he was a learned man, that he lived for some time in Frankfurt a/M and that he was buried there.8 Mention must also be made of a great-Uncle of Jacob whose name was Zanvil Reisha and who was a learned man.9

8See Introduction by Joseph Reischer to Volume I Shebut Ya'akov.

9See Reischer's Introduction to Minhat Ya'akov.
With regards to the name Reischer and his connection with the city of Reisha it should be noted here, that since the name Reischer was used two generations before our Jacob Reischer, it is not necessary to assume that our Jacob Reischer received his name because of his residence in the community of Reisha, Poland. The only indication that he accepted a position in Reisha is (1) a printer's note in the Wilhelmsdorf and Halle edition of the Tyyun Ya'akov and (2) an appended note to an endorsement given by Reischer to Moses Hagiz's book Leket Hakemah. 10

Based on this evidence a cautious conclusion would suggest that Jacob Reischer accepted the position of Rabbi and Rosh Yeshiva of Reisha without actually establishing residence there, or else he did reside there for a brief period only, since he himself or his close relatives never mentioned Reisha in connection with his rabbinical posts.

It is felt, therefore, that since no further proof has come to light on Jacob Reischer in Reisha and since we do know that even his grandfather was known as Reischer, additional evidence would be required to establish that he lived in the city of Reisha for any length of time.

The city of Reisha or Rzeszow with which Reischer has been associated is situated in Southern Poland, between Cracow and [Page 7]

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10 The printer Zavi Hirsch Ben Hayim of Fuerth says that Jacob Reischer was a Chief Judge in Prague, the Rabbi of Reisha, then Worms and Metz.

The appended note in brackets reads as follows:

(ד' אהרן בעל סוף פניהם עקוף רוח ורומם שם עקוף רוח ורומם
ולאוד רפסים עקוף על תושב השפצה ועשתה עקוף על תושב השפצה
ולאוד רפסים עקוף על תושב השפצה ל"ד" מל앞ון בברחת התורא ל"ד" מל앞ון
שכבר"ק פרונק רבר"ק פרונק רבר"ק פרונק רבר"ק
והקנובל לܐיסא מגורית פרות לחם
בכל מריינע אנסלב וראית משה פרוגריעיצא.)
Levov. Among a general population of 25,000 there were 12,000 Jews. It was a flourishing and well-organized Jewish community and among its Rabbis were great personalities, Aaron S. Keidanover and Samuel Halevi, son-in-law of Isaac of Poznan, the teacher of the Magen Abraham, to mention just a few. Jacob Reischer is said to have been the Headmaster of the local Talmudic Academy. 11

A little more is known about the second generation of the Reischer family, Jacob's father, Joseph Reischer. First, he wrote very fine introductions to Jacob's books. Secondly, Joseph was himself an author of a book called Gib'ot Olam, which however is no longer available. 12 Finally, Jacob mentions his father in his responsa literature, 13 and informs us of his death which occurred in 1731. 14

Joseph Reischer is important to this investigation for the light he sheds on the second family name of our author, Backofen or Back. In his introduction to the Minhat Ya'akov

11 See article on Reisha by A. Apfelbaum, in Ozer Yisrael, Vol. IX, David Eisenstein, editor, New York, 1913.
12 The book Gib'ot Olam is mentioned by Jacob Reischer, Shebut Ya'akov, Volume I, Teshubah #102. In the catalogue of Bodleian Library it carried #172F copy of manuscript, Oxford. However, upon inquiring there in 1957, it could not be found.
13 Shebut Ya'akov, Volume I, Teshubah #102.
14 Ibid., Volume III, Teshubah #100.
Joseph Reischer uses the name Backofen in his signature. It can be assumed that the Backofen family into which Joseph had married was so famous and honorable that his son Jacob continued to use this name or was at least known and identified by it.

In trying to establish the birthday of Reischer, difficulties arose because none of his early "Questions and Replies" collected in his book Shebut Ya'akov was dated. However, some help was available from the date of publication of Reischer's first work, the Minhat Ya'akov, dated 1689. Further assistance was obtained from the earliest endorsement (haskamah) which he received for this book which is dated 1684. Two other items were of value in the establishment of the approximate birthdate of Jacob Reischer. One, the fact that Jacob had known Simon Spira who died December 3, 1679; two, the information that Jacob Reischer taught his

15 Jacob Reischer, Minhat Ya'akov (Prague), 1689.

16 It was customary at that time to carry two family names especially if wealthy or honored. Thus we know of Behrend-Cohen, Spira-Fraenkel, and Neumark-Mireles.

17 The endorsement is from Wolf Spira, Jacob's father-in-law.

18 See introduction by Wolf Spira to Jacob's book Minhat Ya'akov (Prague), 1689.

only son Simon from his own book *Minhat Ya'akov* at the age of fifteen.20

Assuming that Simon was about fifteen at the publication of Jacob's *Minhat Ya'akov*, Jacob must have become a father about 1674. His approximate wedding date would be before 1673 and his birthdate about 1660.21 We also know that Jacob married a daughter of Wolf Spira of Prague,22 but no reference to his wife could be discovered in his writings, neither her name nor any other information.23

Very little is said about Jacob Reischer's teachers.

Jacob, in his very early years, attended the lectures of Simon Spira of Prague.24 Simon, however, died in 1679, when...

20 Jacob Reischer's introduction to Solet Lemincha, edition Dessau, printed at end of *Hok Ya'akov*.


22 Wolf Spira signed his endorsement to Jacob's book *Minhat Ya'akov* (edition Prague), 1689:

Also D. Oppenheimer in his introduction to Jacob's book *Shebut Yaakov*, Volume II says:

23 Abraham Cahan, *Le Rabbinat de Metz*, 1567–1817, p. 54 says: "Ten years after Reischer's death in 1733, his wife Yitel or Gitel was assassinated."

24 Three references can be quoted where it appears that Jacob may have gained information from Simon Spira during his lifetime.
Jacob was just about nineteen years old. Since Simon's son, Wolf, took the place of his father, it is most probable that Jacob continued his studies with Wolf Spira. Additional proof for this opinion can be adduced from the fact that Wolf, who had noticed the brilliant Jacob even when attending Simon's lectures, later permitted Jacob to marry one of his daughters.

The Spira family of Prague had so much influence on Jacob Reischer that it becomes necessary to add a fuller account of the family and their relationship with Jacob.

B. The Spira Family
(Jacob Reischer's teacher and father-in-law)

The Spira family plays a significant part in the biography of Jacob Reischer, because Jacob's foremost teachers were Aaron Simon Spira and his son, Benjamin Wolf Spira, Reischer's father-in-law. His brother-in-law Elijah Spira, son of Benjamin Wolf and author of the well-known Eliahu Rabba-Vesutta is frequently quoted in Jacob Reischer's books.

A few identifying words should be said about each member of this Spira family in order to identify them, since confusion about them seems to be widespread. Furthermore, each member had some special relation to Jacob Reischer and his family.\(^{25}\)

Aaron Simon Spira was first Rabbi in Frankfurt, then in Lemberg, Brest, Lublin, Cracow and Vienna, before becoming

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\(^{25}\) Additional information on the Spira family is available in Gruenwald's book as well as Dr. M.H. Friedlander, Das Leben und Wirken der Hervorragensten Rabbinischen Autoritaeten Prags (Wien), 1902.
Rabbi of Bohemia and Prague in 1640. Since Aaron Simon died in 1679 at Prague, when Reischer was about nineteen years old, he could not have studied with him for too long a time.

Reischer always quoted the opinion of his teacher with great reverence and as authoritative for him, particularly in the case of the repairing of the Holy name in a Sefer Torah; the proper observance of the laws of mourning; and in the famous case of the Hadasim of Prague, whether or not they could be used on the festival of Sukkoth. In the latter case, Aaron Simon's opinion is quoted in a similar case where he advised that they should not be used.

In another account, Reischer relates a very interesting story involving a controversy between Aaron Simon Spira and the ShaK. Spira prohibited the use of grafted Etrogim while the ShaK, who was visiting Prague at the time, permitted them. The Cantor in the famous Altneushul of Prague was required to recite a blessing over the controversial Etrog when he suddenly dropped it and damaged it. This was taken as a bad omen, and it is told that after this the scholars from Germany and Poland agreed with Spira. Jacob further tells us that the ShaK also retracted and later, on his deathbed,

27 Ibid., Teshubah #88.
28 Ibid., Teshubah #38.
asked pardon of Rabbi Spira. Reischer states that the son of
the ShaK showed such a letter to Rabbi Aaron Simon Spira. 29

Wolf Spira, the son of Aaron Simon, was Jacob Reischer's
father-in-law. He became also the father-in-law of the well-
known David Oppenheimer whose second wife was Wolf Spira's
daughter, Shifra. 30 Wolf was born in 1640 at Prague and died
there in 1715. He was Chief Rabbi of Bohemia for twenty years.

Wolf Spira made an interesting remark linking the name
Reischer not with the town Reisha as is usual, but with an
Aramaic word Reishe meaning the first or head, in an effort
to say that Reischer was deserving of the name because of his
renowned piety. 31

Reischer refers to his father-in-law in his books with
great reverence and admits his indebtedness to him, especially
in the solution of a difficult divorce case. One such case,

29 Ibid.

30 Accounts of the life of David Oppenheimer include:
S. H. Lieben, David Oppenheim, in Jarbuch der Juedischen Literatur
C. Duschinsky, Rabbi David Oppenheimer (Budapest), 1922.

31 Introduction by Wolf Spira to Shebut Yaakov, Vol. I.

The question of Jacob Reischer in Reisha was discussed earlier
on pages 6 and 7. Note also that the Great-Uncle was called
Reisha not Reischer.
dated Wednesday, Kislev 4th, 1707 involved Reischer in much controversy. 32

Elijah Spira, son of Wolf Spira and brother of Reischer's wife, was very famous for his two learned volumes, *The Eliyahu Sutta* 33 and the *Eliyahu Rabbah*. 34 Elijah was Rabbi at Tiktin and then head of a Rabbinical School in Prague where he died in 1712, three years prior to his father. 35

Jacob Reischer held these books and the ritual decisions of his brother-in-law in great esteem and when consulted on their value or correctness, he usually defended Elijah Spira. 36

Another Wolf Spira, a stepbrother of Reischer is mentioned in Reischer's books. He is further identified as having been the son-in-law of Simon Itlich. 37

In the following chapter, Reischer's birth-place and youth will be traced and the rabbinical positions which he held during his lifetime.

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33 A commentary on the *Orah Hayyim* of the Lebush, Mordecai Jaffe, 1530-1612.

34 Explanations on the *Orah Hayyim* of *Shulhan Aruk* of Joseph Karo, 1488-1575.


37 *Shebut Ya'akov*, Vol. III, Teshubah #34.

Also in addition to Vol. I, #134.
will be described. Since there seems to be some confusion and perhaps differences of opinion, his movements will be substantiated from reliable sources only. A brief report of the relationship between Reischel and his famous brother-in-law, David Oppenheimer, will be given next. Finally, an account of Reischel's life and activities, including the enmity which accompanied him, will be commented upon. Thus, it is believed that a clearer understanding of Jacob Reischel and his work will be obtained.
CHAPTER II

JACOB REISCHER, THE RABBI

A. Jacob Reischer in Prague

Rabbi Jacob ben Joseph Reischer was born in the city of Prague as he himself stated in his introduction to the second volume of his responsa Shebut Ya'akov. He received his early training in Talmudica from his father, Simon and Wolf Spira, and he was eventually appointed Head Judge of the Court of the Jewish Community of Prague. It appears that Reischer's early success in Prague both with his important Rabbinic position and his prolific literary activity was partially due to the fact that he had excellent teachers and very influential relatives there.

38 See Joseph Reischer's introduction to Jacob's book Minhat Ya'akov (edition Fuerth):
39 Teacher Simon, see Jacob's introduction to Shebut Ya'akov, Vol. I:
40 Teacher Wolf, see introduction by Wolf to Jacob's Minhat Ya'akov (edit. Fuerth):
41 D. Oppenheimer, introduction to Jacob's Shebut Ya'akov, Vol. II:
It seems that at least three important books had been completed by Reischer while he served in the city of Prague: (1) the Minhat Ya'akob, (2) the Hok Ya'akob, and (3) the first volume of the Shebut Ya'akob. In addition, Reischer was called upon to assist with answering important questions of Jewish law addressed to him from almost every community in the Jewish world of his day.

Jacob Reischer remained in Prague until the plague forced him to leave the city for a short time in 1713. If Reischer had accepted previously a position in Reisha, Bamberg, or Anspach, and established his residence there for any length of time as some scholars claim, he certainly would have mentioned it in his introductions or elsewhere in his biographical notes. Neither Reischer nor his close

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The introductions by Reischer to Minhat Ya'akob, Hok Ya'akob, and Vol. I Shebut Ya'akob are signed. Furthermore, his father Joseph in his introduction to Vol. I, Shebut Ya'akob mentions these three as Jacob's earliest endeavors. In addition there is proof that the Minhat Ya'akob was written in Prague: It was printed in Prague, three haskomot came from Prague, one from his father-in-law who was his teacher and patron. In his introduction Reischer says that he tested his teachings and comments before his teachers and friends. These he had only in Prague at that time. Proof that Hok Ya'akob was written in Prague: Jacob in his introduction tells us how he worked on this book in Prague, in a home given to him by Wolf Spira, after his own home was destroyed in the fire of 1689. Proof that Shebut Ya'akob, Vol. I was written in Prague: Jacob adds to his signature in his introduction: "I never left my dwelling place Prague." Also David Oppenheimer in his haskomah mentions that Jacob Reischer is one of the Dayanim of Prague. (Head of Dayanim.)

See Introduction of Reischer to Iyyun Ya'akob:

See also pages 6 of this thesis.
relatives ever did.

Only David Oppenheimer mentions Jacob Reischer as Rabbi of Anspach, and Reischer himself points out that he was called Rabbi of Anspach, but adds that he never moved his residence from Prague. He merely had jurisdiction over the district of Anspach while he remained Head Judge in Prague. This situation was possible; (1) as a sign of honor and esteem to Reischer, or (2) he accepted temporarily such an arrangement with the community of Anspach.

Reischer's fame as an authority in Jewish law, even in his early years and while still in the community of Prague, can be demonstrated by many examples. Three illustrations representing various categories will now be given.

The Jewish community of Prague was disturbed by a practice which was considered as a serious violation of the Sabbath law. It seems that many Jews used to frequent the restaurants of the city on the Sabbath for a cup of coffee and to while away the day. Reischer's opinion and help was requested in this difficult situation of preserving the sanctity of the Sabbath. He opposed the custom vigorously, suggesting that even week-day attendance at a coffee-house is perhaps a

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45 Oppenheimer introd. to Jacob's Shebut Ya'akob, Vol. II

46 Jacob's introd. Shebut Ya'akob, Vol. I.

47 Dr. M. Weinberger, Die Memorbucher der Jud. Gemeinden in Bayern, p. 223 suggests that Reischer refused to move to Anspach and lost thereupon the position.
violation of the Jewish law. 48

Then there is the famous controversy of the Hadassim of Prague. This question of using Hadassim or Etrogim which may have been grafted with another species, became a controversy spreading throughout the Jewish world. All leading responsa masters dealt with it during this period. Reischer must have been a very famous and respected Talmudic scholar to have been consulted in this important issue. 49

Finally, we are told that the well-known David Oppenheimer was involved in a Halakhic controversy with Jonathan Eybeschutz, both of whom resided in Prague at this time. It seems that it was not only one case of law, but a contest of who was to be the Jewish authority in the city. The great reputation of Reischer must again be acknowledged when we learn that the influential Chief Rabbi of Prague, David Oppenheimer, turned in all humility to Jacob Reischer and requested his opinion and support in this contest between the two "lions." 50

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50 Ibid., Vol. III, Teshubah #65.
However, Reischer's stay in Prague was not altogether happy. In 1689 he lost his home, his library and many of his unpublished manuscripts in the great fire of Prague. If it had not been for the generosity of his father-in-law, Wolf Spira, Jacob Reischer could never have overcome these difficulties. Again, when Reischer was forced to flee Prague in 1713 on account of the plague, he wandered about the countryside like a lost soul. His misfortune was increased by the sudden death of his only son Simon in Prague in 1714.

There was also a brighter side to Reischer's life in

51 Ibid., Vol. I, Teshubah #5.

52 Reischer's introd. to Hok Ya'akov.

53 Reischer's introd. to Shebut Ya'akov.

54 Reischer's introd. to Shebut Ya'akov, Vol. II.

55 Reischer's introd. to Iyyun Ya'akov.
Prague, one of which was his close association with the famous Rabbi David Oppenheimer, who later on became his brother-in-law.

B. David Oppenheimer

The most famous and best known relative of Jacob Reischer was David Oppenheimer, Chief Rabbi of Prague and Bohemia. He was born in Worms in the year 1664 and died in Prague on September 12, 1736. His uncle, Samuel Oppenheimer, left him a fortune so that he was financially independent. Furthermore he married, at the age of seventeen, Genendil, the daughter of Lipman Behrend-Cohn of Hanover, a very influential and wealthy man, a Hofjude.

After having been Rabbi of Nikolsburg since 1690, David Oppenheimer became Chief Rabbi of Prague in 1702. During the Prague epidemic in 1714 he lost his wife, at the same time and in the same plague in which Simon, the only son of Jacob Reischer died. A year earlier, in 1713, David Oppenheimer had been elevated to share the honor of being Rabbi over half of the province of Bohemia with Wolf Spira, the father-in-law of Jacob Reischer. When Wolf Spira died in 1718, David Oppenheimer became Chief Rabbi over all of Bohemia.

56 Since accounts of his life, activities and well-known library have appeared elsewhere, I have confined myself to events and references which have direct bearing on Jacob Reischer. For accounts on David Oppenheimer see fn. #30 on Oppenheimer's library:
against the opposition of Jonathan Eybeschutz.\textsuperscript{57}

David Oppenheimer took for his second wife, Shifrah, the daughter of Wolf Spira and the widow of Isaac Bondis; thus, Jacob Reischer became the brother-in-law of David Oppenheimer. In the responsa of Jacob Reischer this change is noticeable at the beginning of the Shebut Ya'akob, Vol. II, where Reischer refers to Oppenheimer as brother-in-law, rather than relative as was his custom in Vol. I.\textsuperscript{58} David Oppenheimer was afflicted with blindness during the last year of his life, and he died on the Seventh day of Tishre, 1736.

In all correspondence between Oppenheimer and Reischer, the latter was very humble, acknowledging Oppenheimer's great learning, fame, wealth, and station.\textsuperscript{59} On the other hand, Oppenheimer respected Reischer's wide range of Talmudic learning, and gladly wrote an enthusiastic introduction and recommendation to Reischer's first volume of responsa, the Shebut Ya'akob, Volume I.\textsuperscript{60}

\textsuperscript{57}Mainly based on sources quoted by S.H. Lieben, David Oppenheimer, in Jahrbuch der Juedischen Literatur Gesellschaft, Vol. 19, 1928, Prague.

\textsuperscript{58}In the Resp. Vol. I, Oppenheimer is referred to as relative, while in Resp. Vol. II and III, it is always my brother-in-law. See Shebut Ya'akob, Vol. II, Teshubah #3.

\textsuperscript{59}Shebut Ya'akob, Vol. III, Teshubah #31.

\textsuperscript{60}Introd. by D.Oppenheimer to Jacob Reischer's Shebut Ya'akob, Vol. I.
solicited Jacob Reischer's support for an expert opinion on Jewish lore. 61 Reischer usually agreed with his brother-in-law and supported his opinions, 62 except on very few occasions.

When Rabbi Reischer was asked about permitting an emergency session of a Jewish court on the Sabbath Day, he permitted it, basing his decision on the fact that in a similar case David Oppenheimer permitted it. 63 Again, when asked about the use of a Torah scroll improperly repaired, he, at first, did not want to give an opinion in the case, since two of his best friends were on opposite sides, Samson of Duesseldorf and Judah Miller of Deitz. Reischer finally did make a decision, but sent his reply to David Oppenheimer for verification. 64

In another correspondence dated Shebat 15, 1725, David Oppenheimer tried to solicit support for his decision to permit the ritual of blessing the new moon (kiddush lebanah), on the Sabbath. Although Reischer praised Oppenheimer's erudition

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61 Shebut Ya'akov, Vol.II, Teshubah #98.
63 Ibid.  
64 Ibid., Teshubah #80.
and great station, he differed sharply with him. He was amazed at his opinion seeing that it would violate a custom observed throughout the Jewish settlements. According to Reischer it would be contrary to all later authorities of Jewish law, for they all agree, that one must not practice this ritual on Saturdays or Holidays.\(^{65}\)

The most interesting question involving David Oppenheimer and Jacob Reischer was the famous Prague incident in 1725, which involved the two great rabbis of Prague, Jonathan Eybeschutz and David Oppenheimer. The ritual question involved was that of a pin found in the intestine of an animal. David Oppenheimer declared the meat as not kosher; Jonathan Eybeschutz said that it was kosher and could be eaten. The controversy developed into a contest for the rabbinic leadership of the city of Prague, one of the most influential communities at that time.

David Oppenheimer in sending his decision to Jacob Reischer dated 15 Sivan 1725, solicited his opinion and support.\(^{66}\) Reischer in his reply to David Oppenheimer was very deeply moved, for he must have realized that David Oppenheimer had been humiliated before the entire Prague community.\(^{67}\)

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66 Ibid., Teshubah #65.
67 Ibid.
Jacob Reischer, of course, supported his brother-in-law in his decision against Eybeschutz. This Prague controversy involved many rabbis of Europe, and the issue can be traced in other law books and responsa collections of this particular time.68

C. Reischer in Worms

For a better understanding of Reischer and his activities, the following questions must be discussed. Why did Reischer leave Prague? Why did he accept the position in Worms? How long did he remain in Worms and why for a brief period only? What difficulties did he encounter there? Why did he accept the position in Metz? And finally, why did his enemies increase in Metz so that he was in danger of imprisonment?

There were a number of facts and circumstances responsible for Reischer's decision to leave the city of Prague. It appears that the plague of 1713 had caused great upheaval in the Jewish community and perhaps Reischer's position as Chief Judge was jeopardized. Again, since his only son had died of the epidemic, and he himself had suffered a great deal, there was little reason for Reischer to continue his stay, except perhaps to remain with his relatives, the Spiras and Oppenheimer. However, when he received a good offer from the city of Worms, an old and famous Jewish community, and the opportunity to become not only a Judge, but a Chief Rabbi and

Headmaster of the local Talmudic Academy, his mind was made up and he accepted.

Little did Reischer know that the change for the better would have its limitations. First of all, the leaders of the Worms community were quarrelsome and did not always accept the opinion of their Rabbi in good faith. Secondly, the enemies which Reischer must have made on account of his books or for other reasons during this period, attacked him at every possible opportunity. Finally, the Talmudic Academy which Reischer had visualized as a flourishing Torah Center, attracted only a limited number of mediocre students.

Almost immediately upon his arrival in Worms, he was involved in a fast-day controversy. Reischer tells us that in the month of Kislev (December) 1714, when he became Rabbi of Worms, he was asked about a special fast-day. It seems that some people had the custom of fasting in case the moon was too dark for the performance of the mitzvah of Kiddush Lebanon (prayer for welcoming the new moon). Reischer disagreed and refused to sanction such a fast, since it would place an additional burden upon the community. 70

Reischer also informs us that he remained in Worms as the Rabbi and Headmaster of the Talmudic Academy for about three years, and that he was promoted after this to the Rabbi's


70 Ibid.
position of the city of Metz. Although his position in Worms was honorable and the Jewish community one of size and stature, having had great Rabbis before him, yet from Reischer's remarks and other evidence, it seems that the rabbinate in Metz was still a position of greater honor.

Worms was a city in which Jews had lived for centuries and their right to residence had been guaranteed by law. Worms was also one of the five main judicial Jewish districts, together with Frankfurt, Friedburg, Fulda, and Kinsburg. The Jews of Worms were permitted complete autonomy in their communal affairs as long as they paid the taxes placed upon them. However, there were some limitations such as the wearing of the yellow badge, restrictions on buying and selling, restrictions in their movements, especially on Christian festivals, and the drinking of wine and beer with Gentiles at all times.

On May 31, 1689 the city of Worms was invaded by the French, and at that time, the entire Jewish quarter was destroyed by fire. The suffering of the Jewish community was alarming, although the city authorities assisted the Jews and helped them to rebuild their homes a year later.

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71 Introduction by Jacob to his book *Iyyun Ya'akov*.

72 Introduction by Jacob to his *Shebuṭ Ya'akov*, Vol. II.


74 Ibid.
The community of Worms was used to difficulties as can be gathered from another question which was placed before Reischer while in this community. Again, it deals with a question of fasting. The Jewish community of Worms had taken upon itself to fast every Rosh Chodesh Sivan (the first day of the month) for half a day. This obligation was accepted to commemorate the Crusaders' attack upon the Jewish quarters in the year 1096. It occurred that in the year 1716 the anniversary of that fast day fell on a Friday and the custom had been to fast until about 3:00 P.M. and then pray Minha and Kabolat Shabbat together (afternoon and evening prayer). Reischer was of the opinion that this was wrong, that under no circumstances can one receive the Sabbath so early in the day.75

There are many interesting features in this particular responsum. First of all, the observation by Reischer, that he tried to stop the custom like other Rabbis before him, but without success.76 Secondly, that he refused to pray with them on that afternoon, to indicate his protest, and that Reischer was rebuked for this by the congregation with the Rabbinic saying: "one must not exclude oneself from the entire congregation."77 Thirdly, Reischer, in his discourse to prove his

75Responsa, II, #6.
76Ibid.
77Ibid.
point, was very objective and argued that most customs of the Jewish community of Worms were ancient and worthwhile, but suggested that in this case, the true custom had been forgotten. He repeated a well-known remark here, that a custom which is against the Torah cannot and must not be honored, since from minhag it turns into gehinam.78

Reischer was called upon to settle another difficult question of law during his stay in Worms. A local judge, Akiba of Worms,79 asked Reischer how the Jewish community of Worms could permit the use of non-Jewish yeast for the baking of Jewish bread. Since this practice was against Jewish law why did no one object, Akiba complained.

Reischer, in his reply, completely vindicated the custom of the Worms' community by pointing out that several important Rabbis of former generations had permitted this usage, that there were valid reasons for leniency and that it had been an old established custom.80

Finally, we find that Reischer was involved in a difficult Agunah question (deserted woman) while serving in the


79 Respondent of Reischer not identified further.

80 Shebut Ya'akob, Vol. II, Teshubah #188.
community of Worms. Benjamin Kabri of Trier turned to Reischer with great respect and admiration and was willing to be guided by his wisdom and knowledge.

It is not only because of the great recognition Reischer received while serving in Worms that we learn of his importance and stature, but it is above all because of Reischer's scholarly replies that we are impressed with the importance of this man to Jewish life at this particular time. So great were the demands made upon him that he had to admit that he was very tired and overcome by the burden of the Rabbinate.

D. Reischer in Metz

Rabbi Jacob Reischer left the community of Worms and accepted a call to Metz in the year 1717. He left Worms because of his enemies and perhaps because Metz was a larger and more important city at this particular time. There were about four hundred and eighty Jewish families in Metz and it continued to grow slowly. The community had always had famous Rabbinic leadership, although not without some jealousies and

81 Respondent, not otherwise identified.
83 Ibid., Teshubah #85, #104.
84 Introd. Shebut Ya'akov, Vol. II.
85 Jacob's introd. to Iyyun Ya'akov, H. Graetz, History of the Jews (German Edition: 1897), Vol. 10, Dritte Auflage, p. 27.
Difficulties in communal life both from professionals as well as the laity.

Rabbi Reischer was the successor of the famous Gabriel Eskeles and Abraham Brodie and was, in turn, succeeded by the well-known Rabbi Jacob Joshua Hirsch, author of the P'nei Yehoshua. In addition to the Rabbinic prestige connected with the Metz position, Reischer tells us that he was attracted to Metz by the fact that there were many students who were willing to enroll in his Yeshiva. The number and caliber of Torah students was always a very important factor with Jacob Reischer.

Jacob Reischer started out in Metz with a difficult communal situation, for he had to make peace between two factions. The community was divided because of loyalty to two previous Rabbis, Eskeles and Brodie (Broda), none of whom were re-elected. Reischer, who was chosen instead, had to appease...

86 G. Eskeles—died Nikolsburg, 1718, Dayyan of Cracow, Rabbi of Olkusz, Prague, Metz, and Nikolsburg.
A. Brodie—died Frankfurt, 1717, Rabbi at Lichtenstadt, Rausnitz, Prague, Metz, and Frankfurt o/M.

87 Joshua Hirsch, P'nei Yehoshua (Novellae on the Talmud in four parts, published at Frankfurt o/M, 1752; Fuerth, 1766, 1780). Died Frankfurt, 1756, Rabbi of Tarli, Lisko, Lemberg, Berlin, Metz, Worms, and Frankfurt o/M.

88 Jacob's introd. to Shebut Ya'akov, Vol. II.

... Rabbi Gabriel Eskeles got one year's leave to attend a wedding, but he stayed away for three years. Meanwhile, another group elected Rabbi Brodie, although now Eskeles indicated that he would like to return as their Rabbi. It seems that Reischer was elected by both parties.
both parties, and it appeared that he was successful, probably because of his outstanding reputation as a Talmudic scholar and legal authority.

That Reischer's task was not easy, and that his authority was not always accepted without opposition, can be established from government records of our period in the city of Metz. A certain Simon Trenel undermined Reischer's authority and when the Rabbi levied sanctions against him, he refused to comply. Thereupon, the Jewish Community Council of Metz called the man to the stand and levied a great fine of money against him. It is told that his wife sought favor with the district governor and obtained some concessions, limiting the fine. The entire episode, however, must have been very unpleasant, dangerous, and harmful to all concerned. When, therefore, Reischer complained of an increase of animosity and enemies in the city of Metz, so that he was in imminent danger of imprisonment, we have here circumstances which help to explain some of the difficulties.

Reischer's tasks and responsibilities within the community organization in Metz are reflected in his Responsa. Thus he had to deal with the re-organization of the court. It was customary in Metz not to have a permanent Law Court, Bet Din. Instead, the two parties would elect their advocate and the Rabbi of the city would act as the third judge. Reischer was asked about the establishment of a Bet Din on a new basis, namely a permanent Bet Din with the Rabbi. Reischer believed

90A.Cahan, op. cit., pp. 52-54.
that the old arrangement had its merit, since in the new system the leaders might appoint their own friends, thus, making an impartial judgment quite difficult.\footnote{Shebut Ya'akob, Vol. II, Teshubah #143.}

As will be pointed out later,\footnote{See pages 69-70 of this thesis.} in detail, Reischer was usually lenient with his replies to ritual inquiries. He tried to avoid making Jewish practices burdensome. Confronted with a question of dietary laws, he permitted the food because of the great loss which would ensue and because it was a banquet celebrating an event in Jewish life—`S`udat Mitzvah.\footnote{Shebut Ya'akob, Vol. II, Teshubah #109.}

On the first day of Sukkoth it was considered very important to make Kiddush in the Sukkah no matter how bad the weather was. Many people used to hold up the meal for many hours, waiting for the rain to stop so that Kiddush could be made. Reischer, while in Metz, was asked regarding such procedure in the year 1723, when rain spoiled the first day of the festival. Reischer was very outspoken on the subject, declaring that those people go beyond the limits of the Rabbis, that there was no need to wait any such length of time, and that he saw no reason for such burdens or "wisdom" to go beyond the Rabbinic authorities on the subject.\footnote{Ibid., Vol. III, Teshubah #45.}
While in the city of Metz, Reischer was involved in a great legal controversy. He reports that in the month of Nissan in the year 1723, he was asked in Metz\textsuperscript{95} by the community leaders whether it was permitted to burn fragments of holy books (Shemot), since no safe place for hiding them could be found, and since the Gentiles used to desecrate them when buried in the local cemetery. Reischer answered that it was permitted in this case, and brought his proof from the Biblical story of King Saul, who committed a sin (suicide) in order not to fall into the hands of the heathen. Thus, in order to prevent the desecration of the holy fragments, one may burn them, an act which is normally against the law.\textsuperscript{96}

However, since this was a new inquiry and the reply would have far reaching consequences, Reischer sent his reply to Ezekiel Katzenellenbogen of Hamburg for support. Katzenellenbogen did not agree and very politely suggested that it was better to bury these fragments, even if not on the cemetery proper. Reischer also very politely suggested that since this burning was already an established custom in Metz, he saw no reason why he should interfere and make it more difficult for

\textsuperscript{95}It is interesting to note that Reischer had been asked a similar question in Prague, a fact he mentions in his reply. Reischer does not permit burning of Sifrei Torah, only books.

\textsuperscript{96}\textit{Ibid.}, Teshubah #10.

Same Responsa is found in Keneset Yecheskel, Altona, 1732 by Ezekiel B. Abraham Katzenellenbogen, d. 1749, Altona, Rabbi of Keidani and Altona. Teshubah #37.
Reischer based his decision upon the fact that burying just anywhere is as much a destruction as burning, since the rain, wind, and snow would completely destroy these holy documents.

From this correspondence, we not only see the greatness of Reischer, but also how he tried to make it easier for the community, and that he was sensitive to the problems and conditions of his time. It seems that very little space was allotted to Jewish cemeteries at that time in order to keep the Jewish population at a minimum. Therefore, since there was hardly sufficient room for the burial of humans, no place could be found for the burial of Shemot.

In the beginning, Reischer was very happy with his position in Metz, publishing there his second volume of the Shebut Ya'akob in thanksgiving to God. However, as time went on, his difficulties increased even in that community. The enemies, on whose account he had left the former community of Worms, became more fierce, so that at one time in 1728 their accusations almost caused him to be sent to prison. Only Providence, Reischer claims, saved him from this terrible fate.

Another reason for his unhappiness in Metz was physical illness. For two years, 1718-1720, Reischer was almost
and again in 1729 he complained about much illness and prolonged ailments.

In addition to the usual burden of the Rabbinate, Reischer was involved in some difficult, unusual and sometimes unpleasant cases. There was, for example, a case of a doubtful marriage contract, greatly complicated by the participation of dishonest individuals, both laymen as well as Rabbis.

In the town of Ingweiler (Elsasc), we are told, a Cantor by the name of Hershel boarded in the home of Rafael. The Cantor claimed that he had betrothed Rafael's daughter by giving her a silver coin before two witnesses. She claimed that she never received a coin and that the witnesses were lying. However, the parents had promised her to another man who was a Kohen, of priestly descent and prohibited from marrying a divorcee. Therefore, if a divorce from Hershel was required, she could not marry the Kohen afterwards. It appears that the parents bribed some Rabbi to free their daughter without a Get—bill of divorcement. Reischer's opinion was that a Get was necessary. In his Responsum, Reischer complained about all the irregularities in the case by the parents and the unworthy Rabbis involved. He concluded that he would not change his

99 Reischer's introd. to Iyyun Ya'akob.
100 Shebut Ya'akov, Vol. III, Teshubah #119.
101 Ibid.
Opinion even if the girl insisted that she would never marry anyone but the Kohen or remain single. Reischer remarked, "Let her be that, I heard that she was a loose woman anyways; we cannot change the law for her." Reischer finally disentangled himself from this unpleasant situation by stating that actually he did not need to accept cases outside the official jurisdiction of his own community of Metz.

Finally, another incident may indicate that Reischer had a difficult time with his congregants in Metz. He tells us that in the month of Adar 1731, he received notice of his father's death. Immediately, the leaders of the community argued regarding his observance of mourning. They believed that since it was Purim Koton he ought not to mourn for his father. Reischer, in his Responsa, felt that some mourning was permitted on Purim Koton, and he acted according to his own opinion. 102

In spite of all these difficulties—illness, enemies, and the burden of the Rabbinate—Reischer could boast of a first-class Talmudical College with many famous students and disciples who became leaders in various communities. 103

102 Ibid., Teshubah #100.

It seems that more than disagreement on a point of law was involved. It was a time of a Rabbi's personal loss and he should have been permitted to use his own discretion. Again Reischer's phrase Ha'ale Tereisin seems to indicate some sarcasm or dissatisfaction.

103 Two of the important disciples were Gershon Koblenz and Judah Miller who are discussed later in the thesis, pp. 128-133
Furthermore, Jacob Reischer continued his literary activity in Metz. He not only completed Volumes II and III of his *Shebut Ya'akov*, but also concluded his lengthy aggadic commentary, *Tyyun Ya'akov*. Reischer completed the latter in the year 1720, while the last correspondence in his *Shebut Ya'akov Responsa* is from 1731.

Two years later Reischer passed on and was buried in the city of Metz according to the testimony of his great-grandson, Zalman Reischer, who published the final volume of Reischer’s *Responsa* posthumously. The date of Reischer’s death is further established by a note in the records of the Burial Society of Metz. The listing reads as follows:

In the next chapter an endeavor will be made to explain the scope of Reischer’s literary activity, the reasons for working on the particular subjects which he selected, and

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104 A commentary on the *En Ya'akov* of Jacob Ibn Habib, died Salonica, 1516. First volumes published in 1516 at Salonica.

105 Reischer’s introd. to *Tyyun Ya'akov*.

106 *Shebut Ya'akov*, Vol. III, Teshubah #100. The date Adar, 1731 is mentioned.

107 Introd. by Zalman Reischer to *Shebut Ya'akov*, Vol. III. The date Shebat, 1733 is mentioned.

above all the fierce controversy surrounding his books, the issues involved and which side was in the right must be determined. Did Jacob Reischer really ignore Acharonim (later authorities) and treat them lightly as accused? Did his antagonists insult Reischer so that he was justified in making those fierce personal attacks upon them?

In order to find answers to these problems, all of Reischer's books and remarks must be carefully examined. In addition, contemporary colleagues as well as the volumes written by the three Rabbis who opposed Reischer, namely Zevi Katz, Johanan of Mezeritz, and Joseph Moses of Breslau must be consulted.109

109Rabbi Zevi Hirsch ben R. Ezriel--author of Ateret Zebi (a commentary on Shulhan Aruk, Hoshen Mishpot, Jesnitz, 1722).
Johanan of Mezeritz, Poland--author of Orah Mishor, a commentary on Isserles' "Remoh," Darke Moshe; also author of books by same name on tractate Nazir. See Ft. nt.
Joseph Moses ben David of Breslau (Not Premislov)--son-in-law of Rabbi Abraham Broda, author of Hok Yoseph (a commentary on Shulhan Aruk, laws of Passover, Amsterdam: 1730).
CHAPTER III

TEACHER AND AUTHOR

A. His Literary Activity

Jacob Reischer's fame is due mainly to the fact that he wrote outstanding books both on the legal aspects of Jewish life, Halakah, as well as on the theological and legendary, Aggadah. He was equally at home in matters of Halakah as well as in the intricacies of Aggadah. In the Rabbinic world, Reischer is best known for his Responsa Shebut Ya'akob and is referred to as THE SHEBUT YA'AKOB. However, it must be emphasized that anyone studying the laws of Pesach (Passover) of the Shulhan Aruk would also not omit Reischer's commentary, the Hok Ya'akob. Finally, the student who is interested in the Aggadah of the Talmud and refers to the En Ya'akob, the classic on that subject, will automatically make use of another commentary by Reischer, the Iyyun Ya'akob, which accompanies it.

As will be seen later, Jacob Reischer wrote many other commentaries, but not all were published and some were not preserved. In spite of his fruitful literary contribution, Reischer himself was not satisfied with his accomplishments.

110 Jacob Ibn Habib of Zamora, 1460-1516. See fn. 104.
and complained of having had too little time. In addition, the burden of the rabbinate, and his troubles due to illness and jealous enemies caused the curtailment of some of his literary efforts. He implied that if he had had more peace of mind, his productivity would have been much greater. Mention must also be made again in this connection of the great fire which destroyed Reischer's library and much of his correspondence as well as comments on various tractates of the Talmud.

Lastly, there occurred the death of his only son, Simon, in the year 1/14 which affected Reischer and his works temporarily. There was, however, a strange contradiction in Reischer's behavior with regard to adversity and his literary work. On the one hand, he was unable to continue his efforts at the moment of deep sorrow and affliction; on the other hand, as he recovered, he felt so grateful to the Almighty, that he

111 Shebut Ya'akov, Vol. I, Teshubah #70.
112 Ibid., Teshubah #159.
113 Reischer's introd. to Iyyun Ya'akov as well as Shebut Ya'akov, Vol. I, Teshubah #119.
114 Reischer's introd. to Shebut Ya'akov, Vol. II. as well as introd. to Shebut Ya'akov, Vol. III.
115 Reischer's introd. Shebut Ya'akov, Vol. I, as well as Teshubah #114 in same volume.
116 Reischer's introd. Shebut Ya'akov, Vol. II.
set out, more determined than ever before, to complete his books.117

1. The Minhat Ya'akov

Let us treat Jacob Reischer's books chronologically, beginning with the Minhat Ya'akov, which was his first volume according to the testimony of his father, Joseph.118 The book was published for the first time in Prague, in the year 1689.119 The Minhat Ya'akov is a commentary to the Torat Matat of Moses Isserles of Cracow120 who fashioned his work according to the system of the Shaarei Dura121 and his order of 96 Klalim or se'ifim (paragraphs). Isserles, however, brings a lengthy discussion of all main legal authorities, Rishonim and Acharonim, and finally adds his own opinion, particularly for special circumstances, as in cases of need or urgency.122

117 Reischer's introd. to Iyyun Ya'akov.

118 Reischer's introd. to Shebut Ya'akov, Vol. I.

119 All of Reischer's books were published by himself except the last one Shebut Ya'akov, Vol. III which was published by his great-grandson.

120 Moses Isserles 1530-1572 of Cracow.

121 Isaac A. Reuben of Dura, author of Shaarei Dura, Cracow, 1534. Others called him Isaac ben Meir and not ben Reuben. He was student of Isserlein, author of Trumat Hadeshen.

122 It is believed that the Torat Matat was written by Isserles before he began his famous commentary on the Shulhan Aruk, the Mappah, and that it served as a basis for the Mappah. See Tchernovitz, Toldot Haposkim, Vol. III, New York, 1947, p.64, note 6.
In his introduction to the Minhat Ya'akob, Reischer praised Moses Isserles, but voiced his apprehension that the Torat Hatat might be neglected in favor of the Shulhan Aruk because of the famous commentaries upon it by the TaZ and Shal.

Reischer then explained that he was writing a new commentary on the book in order to restore it to its former popularity.  

It seems that the main objective of the Minhat Ya'akob was to indicate the opinion of the more popular TaZ and Shal with regard to the questions raised in the Torat Hatat, so that it could compete successfully with the commentaries on the more popular Shulhan Aruk of Caro. This desire on the part of Reischer indicates not only the great respect which he had for Isserles, but it also reveals the deep impression which the Shulhan Aruk had made, even at that early time, on European Jewry. Another reason for Reischer's respect for the Torat Hatat was the fact that it contained a fuller discussion of each law based on Talmud and Rishonim which Caro's Shulhan Aruk omitted. Reischer was against all brief summaries of law and upheld the fuller treatment of Isserles.

Reischer gives the impression as if he felt that Isserles' Torat Hatat was a more valuable book than Caro's Shulhan Aruk.  

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123 Reischer's introd. to Minhat Ya'akob.  
124 Ibid.  
125 Ibid.
Although he admits that the Shulhan Aruk was greatly improved by later commentaries, especially by the TaZ and ShaK, its value, according to Reischer, was not increased to such an extent that the Torat Hatat could be permitted to be forgotten entirely. Furthermore, if a brief and concise code of law like the Shulhan Aruk, which omitted sources entirely, could be so greatly improved by elaborate commentaries, how much more successfully could the already well-documented Torat Hatat of Isserles be brought up to date by additional comments. Reischer felt, that in spite of his youth, he should undertake this work. In addition to his great erudition, despite his young age, he brought to this task the zeal of opposing all collections of law without documentation and the profound desire to strengthen the hands of those authors who carefully referred to Rishonim and Talmudic sources. Added to the Minnat Ya’akob is a section referred to as both Torat Hashlamim and Shalme Ya’akob. The work includes a commentary on Hilhot Niddah of

126 Ibid.

127 Ibid.

128 Jacob Reischer does not enter nor even mention the disagreements and difficulties between Isserles and the Maharash as well as between Isserles and Hayim ben Bezalel in his introd. or comments to the Torat Hatat.

See also page 141 of this thesis.
the Shulhan Aruk, Yore Deah, sections 183-197; a commentary and original additions to the Kuntres Hasfeikot of the Shul.

Finally, at the end of the Minhat Ya'akov we find 18 Responsa of Jacob Reischer, with many difficult and intricate questions, some from well-known Rabbis and far-away communities. It appears that even at this early age, Jacob Reischer's fame as a Halakist had been established. He certainly proves his great skill in Responsa work by his later work the Shebут Ya'akov in three volumes.

Although the Torat Hashlamim was published together with the Minhat Ya'akov in Prague, 1689, yet it should be considered as a separate volume, especially, since Reischer referred to it as such.130 In his introduction to this book, Reischer explains his reasons for adding it to the Minhat Ya'akov in the following words: "Since we find in similar books of prohibited foods the subject of Niddah (family purity), combined with the dietary law, I shall do the same."131 He then gives the Torat Habayit of the Rashba132 and the Shaare Dura of Isaac Dura133 as examples.134

130 Hok Ya'akov, paragraph 433, note 20; paragraph 440, note 13.
131 Reischer's introd. to his Torat Hashlamim (Prague, 1689).
132 Rabbi Solomon ben Aderet, 1236-1310—author of Torat Habayit Haaruk (Venice, 1607) and Torat Habayit Hakazir (Cremona, 1565).
133 See fn. 121.
134 Reischer's introd. to Torat Hashlamim.
Reischer also explained his reasons for adding a commentary on Sefiekot, doubtful mixtures and circumstances, namely, because of the Torat Hatat, upon which he wrote his notes and commentary, dealt with this subject in almost every instance. However, since the Sha'K had already made a fine collection of these rules, he would be satisfied to add only a few more cases and just comment on the rest.\textsuperscript{135}

The laws of Sefiekot which the Sha'K had gathered were printed with the Shulhan Aruk, Yore Deah, section 110. There, thirty-six cases are listed to which Jacob Reischer added sixteen others, which he gleaned from Rishonim and Acharonim. In addition, all fifty-two rules were analyzed, commented upon and examples for each were cited from various Talmudic tractates. Reischer called his book Torat Hashlamim, since it makes the Torat Hatat of Isserles complete.\textsuperscript{136} In addition to the combined endorsements (haskamot) to the Minhat Ya'akov,\textsuperscript{137} there is also a poem by his father Joseph and a letter (or additional haskaman) from his father-in-law Wolf Spira. Joseph commented on the fact that although his son was quite young, he was wiser than some older and more experienced sages. Joseph also pointed out that his son was very studious, that he studied

\textsuperscript{135}Ibid.

\textsuperscript{136}Ibid.

\textsuperscript{137}The combined endorsement is signed by Wolf Spira, Samuel Hilman and Menahem Mendel, son of Solomon Bachrah Ashkenazi. There is also a lengthy endorsement by Gershon Ashkenazi, author of the well-known Abodat Hagershuni.
day, and night, that he investigated all commentaries and came up with the best. God was also kind to him, vindicating him over his enemies, preventing him from disgrace and assisting him in his rise to halachik recognition. 138

Wolf Spira in his special recommendation expressed similar sentiments, also mentioning Jacob's early start on the road to distinguished Talmudic scholarship, but adding the fact that he, Wolf, was happy to have had some portion in his success. Wolf Spira assured him continued support in all his endeavors. 139

A super-commentary and additional notes on both sections of the Minnat Ya'akob were later composed by Reischer and added to the first edition of the Hok Ya'akob. These notes were called Solet Le'minha, also Olat Le'minha Belulah Bashemen. Finally Reischer's son Simon commented on this material and tried to vindicate his father in face of opposition to the Minnat Ya'akob. Simon's notes, which are included with his fathers, were printed together for the first time at the end of the Hok Ya'akob, edition Dessau, 1696. 140

As an example of the accomplishments of Reischer in his Minnat Ya'akob, the following digest of one of his comments will be given. Minnat Ya'akob--Section (K'lat) #5.

138 בְּנֵי עַצֵּרי בֶּשָּׁנִים רָאָה בְּכֵמה עַשְׂרָה מְדוֹן כִּיוֹר מַחרְקֵי קֹדֶשֶׁי בֶּנֵי יַעֲקֹב בְּכֵם הַלִּי לַחֲמֵי הַלֵּיתֶר הַכּוֹזֵרְבֵי יְם חֶרֶם והַלָּמַּי הַלְּאָלָל הַלְּכוֹזֵר לַחֲמֵי הַלְּאָלָל.

139 קְנַתֵּי חֲדָשִׁים זָלְמִים בֵּי בֵּית בֵּי נֵחָלִים זָלְמִים בֵּי בֵּית בֵּי נֵחָלִים.

140 See p. 64 in this thesis.
Regarding the law of meat which was salted without having been washed previously as required by Jewish law:

**Torat Hatat**

Such meat is prohibited, as pointed out in *Sha'are Dura*.\(^{141}\) Even after the fact (m'dibab) and also according to the *S'mak*,\(^{142}\) *Maharit*\(^{143}\) and *Isur V'ineter*,\(^{144}\) But the Bet Yoseph\(^{145}\) writes, that the Maharam\(^{146}\) and Rosh\(^{147}\) permit it and that the law is to rely on those who permit it in case of great loss, Fridays or any other time when no other meat could be prepared. This is agreeable, but under normal circumstances, it is prohibited. The *Isur V'ineter* notes that even to roast such meat over the open fire is prohibited. This is also agreeable, even though the *Sha'are Dura* brings both opinions, those who permit roasting and those who prohibit it.

**Minhat Ya'akov**

1) Meat salted without previous washing is prohibited because it is believed that washing is required to prevent the blood from entering the meat. Thus, if salted without washing the blood will enter the meat with the salt and can never be drawn out again either through other salt or by roasting. However, the Rosh and his followers hold that salt cannot remove blood without the meat having been washed first, either because the water did not soften the meat or because the blood made the salt impotent. All this is explained in detail by the Bah,\(^{148}\) *Sna'\(^{149}\) and *Ta'\(^{150}\) and therefore,

\(^{141}\) See ft.nt. 121 in this thesis.

\(^{142}\) Isaac ben Joseph of Corbeil, Publ. 1277.

\(^{143}\) Joseph ben Moses of Trani, Venice, 1645.

\(^{144}\) See ft.nt. 191 in this thesis.

\(^{145}\) Joseph Caro, 1488-1575.

\(^{146}\) Rabbi Meir of Rothenburg, 1215-1293.

\(^{147}\) Rabbi Asher ben Jehiel, 1250-1327.

\(^{148}\) See ft.nt. 161 in this thesis.

\(^{149}\) See ft.nt. 1 in this thesis.

\(^{150}\) See ft.nt. 1 in this thesis.
one may permit the meat by means of a second washing and salting. Therefore, when Caro and Isserles rely in special cases on those who permit the meat, they must require a second washing and salting of the meat. This is also the opinion of the ShaK. But the Maharash151 and the Olat Shabbat152 prohibit such meat even if there is a great loss, and the Mah also agrees with this. The ShaK, however, writes that their words are not the accepted opinion and not law.

2) Those who prohibit hold that the meat cannot be eaten in any form and this can be deduced from the words of the Rosh and Tur. In the Responsa of Joseph Halevy153 however, it is written that from the words of the Rosh and Tur it seems that those who prohibit the meat would restrict it to cooking but not roasting over fire and such an opinion is quite logical, because meat for roasting does not require washing off, even if blood is found on it. However, if one studies the comments of Rosh and Tur carefully (Reischer) one will find that those who prohibit the meat will also not permit its roasting. As to the logic to permit it, I just cannot understand this reasoning of Joseph Halevy, for the prohibition is based on the fact that the meat was salted without washing and not because it was merely not washed. This blood, entering the meat with the salt cannot be removed even by roasting.

3) Only if the meat was already cooked should one apply the lenient opinion (b'diabad),154 but not before it was cooked, since in that case the meat can still be washed and salted a second time. However, the ShaK holds, that the words of Isserles seem to indicate that even if the meat had not been cooked, the leniency of B'diabad could be applied, and no second washing and salting would be required. I cannot deduct this from the text (Reischer) and it also seems illogical; it requires, therefore, further consideration and study.

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151 Solomon Luria, 1510-1573.
152 Samuel ben Joseph of Cracow.
154 A technical term meaning "after it has been done" and since one must deal with these circumstances as they are now, leniency is usually suggested.
2. Hok Ya'akob

The third book of Reischer's was the Hok Ya'akob, a commentary on the Shulhan Aruk, Orah Hayim, sections 429 to 489 dealing with the laws of Passover. This book was first printed in Dessau in the year 1696, other editions appeared in 1724, at Jessnitz and in 1757 at Berlin. There can be no doubt that this commentary made a great impression on all students of Halakah at that particular time, because of its thoroughness, its profound acquaintance with the sources, and its authoritative conclusions. Reischer always returned to the Talmudic sources, quoting various readings in case of doubt, and writing in clear and concise language with careful and correct quotations.

However, publication of the book met with a very mixed reception. Reischer made himself enemies, as well as friends, but in the end he was vindicated, for his commentary became a constant companion to the famous Jewish code of law, the Shulhan Aruk. Here are some of the facts which surrounded the creation of the Hok Ya'akob.

Jacob Reischer contemplated a commentary on the entire volume of the Orah Hayim of the Shulhan Aruk. He worked on

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156. *Hok Ya'akob*, paragraph 472, section 1. "אך שברים זה "ז"ז רדיאת מ"א לא ממצא שלוחコミ רדיאת הברד våת מ"א דאיאת בלתות".


158. Laws of Passover, sections 429-494.
it, but before it was ready for publication another commentary appeared, similar to the one which he himself was about to publish. It was the now famous commentary Magen Abraham, which was published together with the already popular TaZ. Reischer realized that he was in a dilemma. He then concentrated all his efforts on the laws of Passover and his labours were rewarded. He still faced much opposition even to this limited treaties for the following reasons:

Firstly, a number of commentaries on the Orah Hayim had been in the process of preparation at the same time; some had been printed, others remained unpublished. The Nachlat Zebi and Ateret Zebi on Orah Hayim, by R. Zebi Katz, appeared in 1646. The Eliyahu Rabba and Zutta by Eliyahu Spira, brother-in-law of Reischer came next, followed by the Olat Tamid and Olat Shabbat by Samuel ben Joseph of Cracow in 1661. Thereafter, the son of the Magen Abraham published his father's work together with the TaZ and with the permission of the Vaad Arba Arazot (Council of the Four Lands), in 1692. The unprinted commentaries of Reischer's contemporaries included a book called B'er Mayim Hayim by the author of the Havot Yair, and

159 Author Abraham Gumbiner of Kalish, d. 1683.
160 David Halevi, 1586-1667.
161 He was a student of the Bach, Joel Sirkes, and must not be confused with Reischer's enemy Zebi Hirsch ben Ezriel.
162 See chapter on Spira family in this thesis.
163 Rabbi Yair-Hayim Bacharach, author of Havot Yair and Hut hashanee, 1628-1702, d. Worms, Rabbi of Mainz, Frankfurt, and Worms.
Secondly, each author above mentioned followed his teachers somewhat blindly, opposing anyone who tried to minimize their importance. In addition, Reischer made it a habit to oppose new books, especially those which were of a summary type and which appeared during his lifetime. He was very outspoken on this subject as can be clearly observed from the following remarks:

However, just recently a book, called B'er Heiteb, was printed, a commentary on the Shulhan Aruk. As a rule, if you see in these brief commentaries any decision against the Shulhan Aruk, do not rely on them because they are not reliable.165

At another occasion, Reischer points out:

... and recently a book Kizzur Sheloh was printed, in which the author writes that one must not go to the river (for the ritual of Tashlich on Rosh Hashono) on the Sabbath. This is without reason and proof; a pure invention. But certain ill-informed Jews, when they see such statements printed in a new book, even if one should not rely on it, they will accept it as law. However, they are not doing the right thing.166

Although Reischer was not a boastful man, he made constant references to his own works in preference to other contemporaries. It appears that he honestly believed his own

164See K'lilat Yofee, Hayim Nathan Dembitzer, Cracow, 1888, p. 68. The money set aside for the printing of this book was used to print the Divrei David of the TaZ.

165Shebut Ya'akov, Vol. III, Teshubah #41.

166Ibid., Teshubah #42.

167See Iyyun Ya'akov, Berahot pages 10, 21 and 23.
works to be more authoritative than those of others and he dismissed many Acharonim as just another collection of laws without having consulted the Talmudic sources carefully as he deemed necessary.

The first edition of the Hok Ya'akov was printed in Dessau in 1696. It has an introduction by Jacob Reischer and haskamot from Wolf Spira and Joseph Reischer. No other people added endorsements to the work. Added as a second part of this first edition, also printed in Dessau and at the same time, are the Solet Leminha and Shemen Leminha, the former by Jacob Reischer, the latter by his son Simon. These notes and comments are actually additions to the Minhat Ya'akov and Torat Hashlamim, which had appeared in 1689 and which had been attacked by other scholars. Reischer and his son defended these early works and printed these remarks at their earliest convenience, namely at the publication of Reischer's next book, the Hok Ya'akov in 1696. There is no connection in content between these two parts of the Dessau edition of the Hok Ya'akov and Solet Leminha.

There is also a separate introduction to the Solet Leminha by Jacob Reischer, as well as an introductory remark called Hitnatzlut -- vindication -- by his son Simon.

In his introduction to the Hok Ya'akov, Reischer remarked about the great fire in Prague in 1689 how all his books and notes were burned and how Wolf Spira assisted him and permitted him to live in his beautiful home. Because Reischer was able to study quietly in such a fine atmosphere, he was able to work on his comments to the Shulhan Aruk, beginning with the Orah
section. However, when Reischel realized that Elijah Spira, the TaZ and the Magen Abraham were working on the same endeavor, he decided to restrict his remarks to the Laws of Passover. He emphasized the need for elaboration there, since many of these laws were unclear, with one teacher permitting the other prohibiting, thus causing waste of money to Israel. Reischer also underlined the value of his book by claiming that it would include many original comments gleaned from deep study of Talmud Bavli, Yerushalmi, as well as Tosfot.\(^{168}\)

Wolf Spira in his haskamah to the Hok Ya'akov indicated his closeness to his son-in-law and praised him for his great erudition. He also implied his great industriousness by explaining that Reischer worked on the Hok Ya'akov even before the Minhat Ya'akov had been completed. Finally, Wolf Spira recommended the book because Reischer was an authority on Hilhot Pesach and because his decisions were based on a careful study of the sources, Talmud and Tosfot. "After having reviewed carefully each Halakah," Wolf Spira concluded, "I was convinced of Reischer's competence in this field."\(^{169}\)

His father Joseph called attention to the fact that his son overshadowed many contemporary scholars and that he was

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\(^{168}\) תהלים הם עם תהלים ... והרי הגרדך גרה ... והרי הגרדך גרה ... והרי הגרדך גרה ...

\(^{169}\) раб עזרא רקח את הבנין ... חס פקפק הלשון משיימין עד שר應用 מנהט יקיפ לא הטליס ... להמרות הלפנות כבית הנḅידה על היא חות חות ... רומית על רביה פסקיפי ...

ר"ל חתולה חתולה חתולה חתולה
blessed with complete integrity. "Because of his youth, we can expect much more of him in the future. Let us only hope," his father concluded in his poem, "that those who are jealous of him will not succeed in causing any difficulties, but let there be peace to the lovers of Torah." 170

As one example of Reischer's commentary in his Hok Ya'akov, the law of Searching for Homez was selected, Shulhan Aruk, section #432, subsection #2. Jacob Reischer's comment here is on the additional note made by Isserles which reads as follows:

It is customary to place pieces of bread at a place in the house where it can be found, so that the blessing over the search will not be in vain. However, if one did not provide the bread it does not matter, since in the minds of the people the blessing is in any case restricted to the occasion when Homez will be found.

Reischer in his note #14 commented on the controversy of placing bread for this ritual of Searching for Homez, giving the opinions of many scholars and finally his own. He mentioned that the Rabad, 171 in his book Tamim Deim, Section 29, wrote that it was a custom of the women. The TaZ also said that one should not put down Homez anywhere in the house; and the Mahari 172 also restricted the custom considerably. However, Reischer insisted that it was a good custom, that the reason

170Rabbi Abraham ben David Halevi (1110-1180).
171Jacob Weil, Responsa Hanav, 1610.
was the fact that one would search more carefully in the entire house, since there was Homez lying about, and above all Reischer concluded, one must not disregard a custom in Israel. 173

Because of his critical attitude to contemporaries, Reischer's new book, the Hok Ya'akov, was harshly criticized. There was first Rabbi Joseph ben David of Breslau, who in his book Hok Josefin opposed Reischer in almost every decision. 174 Because of this hostile attitude, Reischer was very angry, especially since Joseph named his work in the same manner as Reischer. The Hok Josefin appeared particularly violent when Reischer was accused of attacking or dismissing the opinions of Sanh, TaZ, Snav, and Magen Abraham. The second opponent, Rabbi Zebi Katz, seemed to disagree with Reischer in his book Ateret Zebi, for the same reasons. Finally, Rabbi Johanan of Mezeritz, in his Orah Nishor consistently disagreed with Jacob Reischer.

Other characteristics of the Hok Ya'akov can be noted with some regularity. He did not use Mysticism (Cabbalah) as basis for Jewish law as did other authors. 175 Reischer opposed Cabbalah and was particularly outspoken on this subject when he discussed the laws of Counting the Omer. 176 Reischer, many

173See Hok Ya'akov, section #432, note #14.

174This book also deals with the laws of Passover just as Reischer's, published in 1730 probably for the sole aim of opposing Reischer.

175Elihu Rabba and Magen Abraham.

176Hok Ya'akov, paragrapha 189, note 11

Other comments: Iyyun Ya'akov, (1)Bechorot 28, (2) Bechorot 33.

(1)logen b'nesam mei neya'arah...beleha
(2)logan etz...v'lo'cha mikroev b'kar soln tofeha
times, would oppose the Olat Tamid, Magen Abramam and Bet Shemuel. He contended with most Acharonim who attacked the Shulnan Aruk, but was very polite and careful when Rishonim were involved in the discussions.

The controversy over Reischer's books and his many enemies which may have resulted from this source of friction, demands a little more attention and clarification. Who were the parties involved? What was the issue? What language and methods were used by them?

In evaluating the disagreements between Reischer and the three Rabbis, the phrases used and the accusations made must be carefully examined. It appears that Reischer was more violent and less diplomatic both in language and attitude. On the other hand, the three Rabbis seemed to have selected Jacob Reischer for their special target of attack, even if their language and their mood was less outspoken and less hostile.

Again, as to the main criticism levelled against Reischer, namely, that he would dismiss Acharonim (later authorities) and treat them with much less respect than earlier authorities, this seems to be substantiated from the texts, even if he denied it.

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177 By Samuel ben Joseph of Cracow (a commentary on the Shulnan Aruk, Orah Hayim, Amsterdam: 1661).
178 Samuel ben Uri Shrago Feibish, Rabbi of Shidlov and Fuertth (commentary on Shulnan Aruk, Eben Hoezer).
180 Iyyun Ya'akov, tractate Sabbath, p. 44a.
However, it was not difficult to find reasons for Reischer's apparent short temper and easily hurt feelings. First, his antagonists were younger contemporaries; secondly, he had just lost his only son, Simon, whose book they included in their attacks and who had written his comments in defence of his father. Thirdly, Jacob Reischer had suffered many losses during this period, due to the terrible plague in Prague, the fire which had destroyed his home and library, and the many enemies who had made his life difficult for him. Finally, it appears that Reischer had physical handicaps to contend with, which resulted in a lengthy period of blindness. No wonder that Reischer was quite irritable under these unfortunate circumstances.

Reischer replied to his antagonists in a special pamphlet entitled, "No Fault is to be Found with Jacob." He first took issue with Rabbi Zebi Hirsch Katz. Reischer claimed that he was not an authority on Jewish law at all and that it was suspected; that most of his material had been taken from the works of his late father. Jacob Reischer, in dismissing Katz's attacks added other accusations elsewhere.

Reischer concluded his angry remarks by saying that even the language of Katz was faulty with mistakes in syntax and

181 See Chapter Reischer in Prague.
182 First time printed in Shebut Ya'akov, Vol. III, Metz, 1789, now added to Shebut Ya'akov usually at the very beginning of the book, as in Lemberg edition, 1897.
183 Reischer's introd. Shebut Ya'akov, Vol. III.
grammar, while his own language was so clear, that even children
would understand it. He also showed his replies to colleagues
and students who praised the work highly. Anyone who saw these
replies and the clear reasoning employed and failed to accept
them, should not be called a judge, Reischer felt. 184

It must be admitted that Rabbi Zebi ben Ezriel Katz,
the author of the Ateret Zebi, a commentary on the Hoshen Mishpat
of the Shulhan Aruk, opposed Reischer in his very first state-
ment to section #482. However, he did it in a mild and accept-
able manner. The Hoshen Mishpat stated: 185 "The Jewish Court
of today does not display a staff, leather stripe or Shofar."
The Ateret Zebi commended: 186

In the Responsa Shebut Ya'akov (Reischer) it is
stated that if a court desired to display it, it was
permitted, based on Rab Hai Gaon's permission. It
appears to me (Ateret Zebi) that it is prohibited
and no Court today should be permitted to display
such implements.

The second Rabbi who seemed antagonistic to Reischer and
his works was Johanan of Mezeritz. 187 He leveled his criticism

184 Ibid.
185 Hoshen Mishpat, Section 432.
186 Ateret Zebi, Note 1.
187 Also known as Johanan ben Meir Kreminzter of Kalish,
author of Orah Mishor. He wrote two books by the same name.
One was a commentary on Isserles' Darke Moshe, on Tur Yoreh
Deah, Sulzbach 1692, in which he attacks Reischer. The other
Orah Mishor was a commentary to the Talmidic tractate Nazir.
against Jacob Reischer for disagreeing with Moses Isserles, and he was unable to understand how Simon Reischer could accuse the Shal of having made a mistake and written carelessly. Reischer in his reply was not as polite as his antagonist. In his pamphlet, "Lo Hibit," he claimed that Johanan's remarks indicated that he never saw the light of Jewish learning and scholarship. "I was not certain whether I should answer him at all," Reischer asserted, "since King Solomon told us not to argue with a fool." It seems that Reischer was especially provoked because Johanan had humiliated Reischer's only son, Simon. Reischer was obliged to further criticize Johanan for correcting texts in various books without sufficient proof. More authorities and more ancient texts should have been consulted before emendation should have taken place Reischer asserted. He also remarked that his son Simon reproached Johanan for having corrected the text in the *Issur Vehetter* without sufficient justification.

It is interesting to note in this connection how father

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188Orah Hishor, Mahadura Hatre, commentary on Darke Moshe of Yoreh Deah, section I, paragraph 3.

189Ibid., section 57, paragraph 3.

190Reischer's pamphlet, "Lo Hibit."

191believed to be authored by Rabbi Jonah Ashkenazi (Peraro, 1555).
and son, Jacob and Simon Reischer, worked hand in hand defending one another against Johanan's attacks on both. Jacob wrote first his Minhat Ya'akov and Solet Leminha and Simon wrote later his Shemen Leminha in defense of his father. Finally, his father defended Simon in his pamphlet "Lo nhibit." Jacob summarized his wrath at Johanan by stating that "... all his accusations are naught, a waste of paper and ink and all his words are nothingness."192

Comparing Reischer's remarks with those made by Johanan it becomes clear that Reischer was more hostile and outspoken than Johanan, which can only be explained by the fact that the honor of his late son had been hurt. The seriousness of the strife is further evidenced by the fact that Johanan requested David Oppenheimer to intervene with Reischer in his behalf.193

The third Rabbi who entered into violent arguments with Reischer was Joseph Moshe ben David of Breslau, the author of the Hok Yoseph. This author gives the impression as if he purposely wrote the book to refute Reischer's opinions on the same subject of Passover, which Reischer had previously treated in his own Hok Ya'akov. Joseph became especially hostile when Jacob disagreed with later authorities, such as Isserles, Bah,

192 Reischer's pamphlet, 'Lo nhibit.'

193 See C. Duschinsky, Rabbi D. Oppenheimer, Budapest, 1922.
Joseph was the son-in-law of the well-known Abraham Brodie of Prague, and studied for some time under the direction of Rabbi Yom Tov Lipman Heller of Cracow.

Reischer, who immediately noticed the hostile attitude of Joseph and the fact that he was a special target for all his attacks, did not remain silent. In his pamphlet he stated that there was no need actually to justify oneself before Joseph, who has not reached the level of scholarship. His low level of achievement was noticeable in the two inquiries made by him, which were just on a student level, like one who was never ordained.

As stated previously, Reischer was furious because Joseph had used the same name for his book, "Hok." He claimed that it was stolen from him, that his quotation was from Psalms and made sense, while Joseph's combination, Hok Yoseph, was nowhere to be found, perhaps sarcastically, with the idolatrous priests of Egypt for whom Joseph made laws of Passover. Jacob added another accusation, namely that he heard...
that all the comments and quotations in this book were taken from other authors.

By comparing the remarks of the two litigants, one must admit that Joseph consistently attacked Reischer, but that he was never impolite or personal about it. One feels that only Reischer attacked on a personal basis and that some of his sharp comments and criticism appear unwarranted, unless there were other reasons that were unknown.

Despite these three Rabbis and their opposition to the *Hok Ya'akov*, Reischer's work on Passover became very popular even during his lifetime. Thus a second edition was printed in Jesnitz in 1724. There is an interesting introduction by one called Nahman ben Yehiel Michel, who praised Reischer and his book most profoundly. He stated that his students insisted that he would reprint the *Hok Ya'akov*, and although he intended to publish a book of his own authorship, he decided finally to sacrifice his book for Reischer's, since the latter's had attained such great popularity.

Nahman claimed, however, to have improved the printed text of the *Hok Ya'akov*, since Reischer was known never to have left his house of study even for the supervision of the printing of his own books, while Nahman was skilled with the

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200 Rabbi Nahman ben Yehiel Michel of Dessau, Rabbi of Halle and Dayyan of Leipzig during the "Messe." See introd. to *Hok Ya'akov*, Jesnitz, 1724.

201 Introd. by Nahman.
Finally, Nahman assured the reader that he added some new material to the book and that those places were carefully marked by him.

a) Sefer Solet Leminna and Shemen Leminna:

At the end of the *Hok Ya'akov* another book of Reisner's is added, which is actually two books in one. The first, *Solet Leminna*, by Jacob Reisner, elaborates and defends his earlier work the *Minhat Ya'akov* and *Torat Hashliamim*; the second, *Shemen Leminna*, by Simon Reisner, is intended to support his father and assist in his vindication over his adversaries. In the first edition, Dessau, 1696, the remarks of Jacob are in ordinary print, while his son's are in bold print, added to each section of the *Solet Leminna* where Simon had something to add. Thus it gives the appearance of a complete unit.

In his introduction, Jacob remarked that after the *Minhat Ya'akov* had appeared, other books containing similar information (*Isur Vehetter*) were published, such as the works, *Het Hillel*, *Shaar Epnraim* and *P'ri Hadash*. Some of these Reisner ascertained, did not see his book *Minhat Ya'akov*, and thus made statements which Reisner revealed long before

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204 Reisner's introd. to *Solet Leminna*, Dessau, 1696.

205 *Hillel Ben Naftali Hertz*, *Denenfurt*, 1691.

Ephraim nakonen, *Sulzbach*, 1668.

them; or they had accepted opinions, which Reischer had proved wrong and dismissed long ago. Reischer also indicated that Simon had found some pages of a book called Torat Haasham,\textsuperscript{206} by Yom Tov Lipman Heller, a relative of Simon's father-in-law, Hayim Friedlander. Reischer felt that this also needed elucidation. Finally, Reischer came to realize that some of his own remarks in his Minhat Ya'akov were too brief and difficult for young Rabbis to understand. Above all, Reischer insisted that he had to answer the attacks of the author of the Orah Mishor, who repudiated his remarks without ever requesting Reischer's personal interpretation. Reischer also mentioned that Simon, who had received his early training from him and from his book Minhat Ya'akov, urged him to defend this work against the unjust accusations of the Orah Mishor.

Simon Reischer in his introduction to his Shemen Leminha pointed out that though he was very young and should not have entered the controversy of Torah, yet because he received his early training from his father and because he had complete confidence in his teaching, he felt compelled to rise to his defence.\textsuperscript{207} Simon concluded that he had more confidence too, because he recited many of his comments before important teachers and Rabbis who praised his remarks and acknowledged them as being correct.

\textsuperscript{206}Commentary on Isserles' Torat Hatat, 3 vols.

\textsuperscript{207}Reischer's introd. to Shemen Leminha.
3. The Responsa Collection Shebut Ya'akob

a) Vols. I and II:

Reischer's *opus magnum* was the Shebut Ya'akob, a publication of his correspondence (questions and answers) which he carried on with all parts of Europe, and which he collected and edited very carefully and in detail, before printing it. An analysis of his style and method of treatment will be given in the next chapter. It will suffice here to say that Reischer wrote concisely and yet fully, plainly but beautifully, and that he was generally respectful and considerate of the opinions of others, but at the same time authoritative. He was so well oriented in the Talmudic sources and Rishonim that even the greatest scholars seldom opposed him.

There are altogether three separate volumes of the Shebut Ya'akob. The first one was published in 1710 at Halle, again in 1719 in Offenbach, and finally in 1789 in Metz. It is interesting to note that the last dated Responsa in the first volume is from 1707. The book was arranged according to the four sections of the Shulhan Aruk.

Reischer, in his introduction, gave a partial autobiography, which is a fine description of his own personality.

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208 For some examples in full see Appendix at end of thesis.


210 The four sections are: Orah Hayim, Yoreh Deah, Eben Hoezer, and Hoshen Mishpat. Reischer's Responsa is divided as follows: Teshuvot 1-42; 43-91; 92-132; 133-182.
and feelings. He said:

I am a humble man and do not publish my works for the sake of honor or self-glorification. I shall never refute the arguments and opinions of either Rishonim or Acharonim, although sometimes I cannot understand them. However, in that case I blame myself rather than accusing them.

Reischer also lashed out against the young Rabbis of his time who must have criticized him for his authoritative style and his attacks on their beloved masters of Halakah, the ShaK, TaZ, and Bah. He stated that he was not like the young Rabbis who were filled with pride, who would tell untruths and were neither learned nor God-fearing.

The first volume of Reischer's Shebut Ya'akov contained 182 responsa. He explained the reason for the number 182, because of its numerical letter-value of the word Ya'akov—yud, ayin, kuf, beit. Furthermore, it was named Shebut Ya'akov to refer to the sentence "And He will return the captives of Jacob to Zion in joy."

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211 Apparently he had been accused of this by others.

212 Reischer's introd. to Shebut Ya'akov, Vol. I.

213 Ibid.

214 This is not a Biblical quotation. Some similar sentences are found in the Bible as follows:

Jeremiah 30,18
Ezekiel 39,25
Psalms 85,2
It seems that Reischer might refer to some Piyutim either of Sukkoth—
Or Selichot—

כграниשף שבת בסבי יִצְכָּבָף וְרָתְשֵׁים שָׁבָתָהּ חַלוֹלִי יִקְּבָּב

רָתְשֵׁים שָׁבָתָהּ חַלוֹלִי יִצְכָּבָף וְרָתְשֵׁים שָׁבָתָהּ חַלוֹלִי יִקְּבָּב
Jacob Reischer received recommendations (Haskamot) to his first volume of the Shebut Ya'akov from David Oppenheimer and Wolf Spira. The former assured the readers that Reischer was well learned and acquainted with the most intricate parts of Torah. His responsa volume Shebut Ya'akov was excellent, well organized and ready for use. Oppenheimer continued saying that although he saw only several of Reischer's responsa which they had exchanged, he could tell that he was a great man and well versed in his field. Wolf Spira noted that Reischer's responsa were sharp and contained deep Halakic decisions as well as original comments to Talmudic passages. Spira concluded saying that Jacob Reischer was a great scholar who was teaching Israel Torah and may he continue to spread Torah with no one to make him afraid. A further endorsement was received from Naphtali Cohen of Frankfurt who had great praise for all of Reischer's publications.

As an introduction and recommendation for the Shebut Ya'akov, Vol. I, Joseph Reischer, Jacob's father, composed a poem in which he expressed his happiness at having been blessed with a son who was so well versed in Torah. In pride and

215 Introd. to Shebut Ya'akov, Vol. I.
216 Ibid.
217 Author of Birkat Adonai, Frankfurt, 1702.
218 Haskamah to Shebut Ya'akov, Vol. I.
Emberance Joseph then enumerated all the books which his son had completed at that moment, namely, the Minhat Ya'akov, which came first, and the others as follows: Shalshe Ya'akov, Hok Ya'akov, Solet Leminha, Shebut Ya'akov Vol. I, P'ler Ya'akov, P'ler Ya'akov, Yeshuot Ya'akov, and Mishpat Ya'akov.219

Jacob Reischer in his introduction to the Shebut Ya'akov Vol. I, pointed out that he realized his privilege of being able to publish books even before his ordination, and that he was grateful that his books were accepted well. He continued to say that only because his earlier works were acclaimed, he continued with his publications. This he did not for his own glory, but for the glory of His Maker. Finally, Reischer explained that since it was customary to add original contributions of Talmudic studies and Tosfot to Responsa works, he would do the same. However, most of this material was destroyed in the fire of 1689.220

The commentary on the Talmud appended to this book was called P'ler Ya'akov, a play on the letters aleph, peh, and reish which spell pride (י'א) or ashes (א'י) and which should indicate that these comments are only those which were saved from the fire and ashes of 1689, but of which the author could

220Reischer's introd. Shebut Ya'akov, Vol. I.
be proud, nevertheless.

While the first volume of the Shebut Ya'akov was written in Prague and published in Halle in 1709, the second volume was written in Metz and published in Offenbach in 1719. Jacob remarked that he published this second volume out of gratitude to God for having assisted him in obtaining a fine rabbinic position. The book contained 188 responsa according to the name Jacob, when written in full with a vow (1). 221

Jacob Reischer, in his introduction to Vol. II of the Shebut Ya'akov, eulogized his son Simon as a great scholar and pointed out his great personal loss. However, he explained that in the midst of his mourning, he received a call to Worms, which he accepted, although it was difficult for him to leave all his relatives in Prague. Reischer indicated further that he was not very happy in Worms because of jealous adversaries, and that he was glad to accept the next position offered to him by the community of Metz. It was in gratitude of this last position that he was publishing this second volume of the Shebut Ya'akov. Finally, Reischer remarked that he was not calling his books by his own name, Jacob, because of conceit, but because it was traditional and based on the Talmud, Sanhedrin 93B. It was also a great merit to have books named in ones honor and through books one could attain an everlasting name. 222

221 The Hebrew name Jacob can be written with the additional letter (waw). The numerical value is then 188.

222 Reischer's introd. Shebut Ya'akov, Vol. II.
Joseph Reischer expressed his great pride in his son's achievements, in his introduction to the Shebut Ya'akob Vol. II, pointing out that Jacob's seat was among all the wise men of Israel. Joseph was angry at Jacob's enemies, who accused him without reason, and he called on God to pay them according to their evil deeds.

At the end of his remarks Joseph stated that his grandson, Nehemiah, was now also ready to take his rightful place in the war of Torah, so as to fulfill the sentence "Torah will not be wanting from you, your children and children's children forever." 223

In this second volume of his Responsa Shebut Ya'akob, Reischer included some summaries of Halakic principles belonging to the Hoshen Mishpat which he called K'la`le V'dine Kim Lee and K'la`lei Miggo. 224 In a brief introduction to these

...}

The word Miggo is made up of two words min go--from its midst--see Talmud Babli, Ketubot 111 and Kiddushin 44. It is usually understood that it is like an alibi for the accused. Ketubot 22, "The mouth which prohibited, he is the mouth which can permit." We believe such an individual, because he had the opportunity to give a better answer or argument. Therefore, why should he have told an untruth. Since he is using the weaker answer, it seems to prove that he is telling the truth. This method of Miggo has, however, many restrictions.
summaries, he mentioned the fact that he intended to write separate books on these parts of the Shulhan Aruk, but that he now finds it impossible.

Seeing that my K'ilalei Kim Lee have been printed in my name briefly by the Lekat Hakemah at the beginning of Hilhot Ricit, I shall reprint them now with my Responsa in full, as well as the K'ilalei Miggo of section 92 of the Hoshen Mishpat.226

4. The Iyyun Ya'akob

In the year 1721 another work by Jacob Reischer was published. It was a book on Aggadic passages of the Talmud which had been collected by Jacob Ibn Habib according to the Talmudic tractates in which they were found.227 Reischer made a lengthy commentary on this book. Ibn Habib called his volumes En Ya'akob; Reischer named his commentary Iyyun Ya'akob. He stated in his introduction to the work that he actually began his commentary as early as 1713 during his period of exile from Prague due to the epidemic.

Since I had to travel from town to town without my books, I did not want to waste my time completely. Therefore, I concentrated on Aggadah, and what I considered new, I wrote down.228

One can also notice the apologetic attitude toward Aggadah, the

225 Author of Lekat Hakemah, Moses Hagiz, who is discussed in this thesis, Chapter V.

226 Reischer's introd. at end of Vol. II, Shebut Ya'akob.

227 Ibn Habib, 1460-1516.

228 Reischer's introd. to his book Iyyun Ya'akob.
study of which at that time, was not considered important at all. In his explanations, Reischer avoided being complicated or far-fetched. He made much use of his great knowledge of Talmud and Midrash in order to explain and to throw light on difficult passages. He remarked that all his previous books were well received and this fact encouraged him. Reischer expressed the hope that he would shortly publish his third volume of Responsa, thus dating the *Iyyun Ya'akob* exactly between Volumes II and III of the *Shebut Ya'akob*.

The publication of the *Iyyun Ya'akob* was delayed on account of Reischer's temporary blindness in 1718; as he stated in his introduction to the book that he was afraid that it was perhaps a punishment for the curse he placed upon his enemies in the introduction to his second volume of Responsa. However, Jacob was completely cured in 1720, and he was able to pay his vow (neder) namely to complete his comments on the *En Ya'akob*, saying "Ayin tahat Ayin, I am paying eye for eye." Since God restored his eyesight Reischer named his book eye-opener in gratitude to the Almighty. The book was completed in Metz and published in 1729 at Wilhelmsdorf.
5. Shebut Ya'akob, Vol. III

Reischer's last book was the third volume of his famous Responsa, Shebut Ya'akob, which he completed before his death, but which was never published by him. It was published posthumously by his great-grandson Zalman Reischer of Metz. Zalman indicated that his father Nehemiah had wanted to publish this book, but that he died before he could undertake this task. He, therefore, was taking the place of his father and was not going to delay this matter any further. Zalman also intended to publish two other books written by Jacob, the Mishpeta and Yeshuat Ya'akob, but never succeeded in doing so; these books have never appeared. 233

In Jacob's introduction to the third volume, he complained once again of his enemies and how they had heaped severe but false accusations upon him. The result of this bitter onslaught had been the immediate danger of his imprisonment. But God saved him from this fate and, in thanksgiving, he published the third volume of the Responsa. Since he was getting old, Reischer explained, his replies would not be as complete and lengthy as before, and he would restrict himself to short notes only, indicating his previous comments on the matter or referring to some of his earlier books. 234 The last

233 Introd. by Zalman Reischer to Reischer's Shebut Ya'akob, Vol. III.

234 Reischer's introd. Shebut Ya'akob, Vol. III.
dated reply in this book of Responsa was from 1731,\textsuperscript{235} the year in which his father died.

Reischer's literary activity would not be complete without a list indicating the most important correspondents with whom he exchanged information. This list will give the names of the Rabbis according to the Hebrew alphabet as well as the number and volume of the Responsa,\textsuperscript{236} thus indicating the wide extent of Reischer's correspondence.

At the end of Vol. III Reischer published the pamphlet "Lo Hibit" a defence against his antagonists.\textsuperscript{237}

\begin{center}
\textbf{LIST OF NAMES OF CORRESPONDENTS IN REISCHER'S SHEBUT YA'AKOB, VOLS. I, II, AND III}
\end{center}

\begin{tabular}{lll}
\hline
Name & Vol. & Teshubah Number \\
\hline
Abraham Sasoon (or student) & I & 94 \\
Abraham, Dayyan of Glogo & II & 67 \\
Abraham of Gedung & II & 76, 100 \\
Aaron of Metz & II & 100, 155 \\
A. Dayyan of Koeln & II & 88 \\
Aryeh Leib of Cracow & II & 95, 127 \\
Anshel of Pinchow & II & 107 \\
Akiba of Worms & II & 107 \\
Baruch, Ab Bet Din of Fuerth & III & 188 \\
Ben Zion Wengrovi & III & 82 \\
Benjamin Kabri of Trier & II & 91 \\
Benjamin Katz of Cracow & II & 115 \\
Gershom Koblenz of Metz & II & 64 \\
David Oppenheimer & II & 14, 41, 48, 105 \\
& III & 14, 39, 80 \\
& III & 98 \\
& III & 31, 65 \\
\hline
\end{tabular}

\textsuperscript{235}Shebut Ya'akov, Vol. III, Teshubah #100. Dealing with question of Reischer's mourning for the death of his father.

\textsuperscript{236}Many of these respondents are mentioned in the text of this thesis and further identified.

\textsuperscript{237}See pages 59-60 of this thesis.
LIST OF NAMES OF CORRESPONDENTS IN REISCHER'S
SHEBUT YA'AKOB, VOLS. I, II, AND III
--(continued)--

<table>
<thead>
<tr>
<th>Name</th>
<th>Vol.</th>
<th>Teshubah Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Eibeshitz</td>
<td>I</td>
<td>81,173</td>
</tr>
<tr>
<td>Heshel of Trier</td>
<td>III</td>
<td>105</td>
</tr>
<tr>
<td>Wolf Setzel, son of R. Hezekiah</td>
<td>I</td>
<td>112,151</td>
</tr>
<tr>
<td>Wolf Spira, father-in-law</td>
<td>I</td>
<td>114</td>
</tr>
<tr>
<td>Wolf Spira, stepbrother, son-in-law</td>
<td>III</td>
<td>34,174</td>
</tr>
<tr>
<td>of Simon Itlich</td>
<td>I</td>
<td>134(addition)</td>
</tr>
<tr>
<td>Wolf Setzel, son of Ber</td>
<td>I</td>
<td>112</td>
</tr>
<tr>
<td>Zanvil of Alsace</td>
<td>III</td>
<td>81</td>
</tr>
<tr>
<td>Yechezkel Katzenellenbogen</td>
<td>III</td>
<td>111</td>
</tr>
<tr>
<td>of Hamburg</td>
<td>I</td>
<td>46,59,60,71,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>80,132,133</td>
</tr>
<tr>
<td>Judah Miller</td>
<td>III</td>
<td>80</td>
</tr>
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<td></td>
<td>I</td>
<td>24</td>
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<tr>
<td></td>
<td>II</td>
<td>185</td>
</tr>
<tr>
<td></td>
<td>I</td>
<td>137</td>
</tr>
<tr>
<td>Yisachar Berman Halevi of Fuerth—Westofen</td>
<td>I</td>
<td>3</td>
</tr>
<tr>
<td>Joske of Hilsum</td>
<td>II</td>
<td>59</td>
</tr>
<tr>
<td>Jospe of Ansbach</td>
<td>III</td>
<td>93,161</td>
</tr>
<tr>
<td>Jacob Segal of Kreiznach</td>
<td>II</td>
<td>98</td>
</tr>
<tr>
<td>Judah Leib Katz, son of Nuta Rosnitz, Chacham of Prague</td>
<td>II</td>
<td>22,94</td>
</tr>
<tr>
<td>Leib, son of author of Shaar Ephraim</td>
<td>II</td>
<td>18</td>
</tr>
<tr>
<td>Leib of Phershei and Schwaben</td>
<td>III</td>
<td>99,102</td>
</tr>
<tr>
<td>Meir Bun</td>
<td>III</td>
<td>116</td>
</tr>
<tr>
<td>Man Dayyan of Worms</td>
<td>II</td>
<td>46</td>
</tr>
<tr>
<td>(also Menachem Man of Una)</td>
<td>II</td>
<td>104,85,138</td>
</tr>
<tr>
<td>Moshe Chagiz</td>
<td>I</td>
<td>57,87</td>
</tr>
<tr>
<td>Moshe Zanz</td>
<td>II</td>
<td>118,148</td>
</tr>
<tr>
<td>Meir of Trier</td>
<td>I</td>
<td>107</td>
</tr>
<tr>
<td>Mendel Ginsberg, Dayyan of Prague</td>
<td>II</td>
<td>110</td>
</tr>
<tr>
<td>Nathan Katz, son of R. Zalman</td>
<td>II</td>
<td>7</td>
</tr>
<tr>
<td>Pinchas of Worms</td>
<td>II</td>
<td>108</td>
</tr>
<tr>
<td>Zebi Hirsh, son of Benjamin of Berlin</td>
<td>III</td>
<td>153</td>
</tr>
<tr>
<td>Simon of Rosnitz, son of Reischer</td>
<td>I</td>
<td>174</td>
</tr>
<tr>
<td>Samuel of Fuerth, Bet Shemuel</td>
<td>I</td>
<td>26,66,55,129,155</td>
</tr>
<tr>
<td></td>
<td></td>
<td>70</td>
</tr>
</tbody>
</table>

238 Wolf Spira--father-in-law and teacher of Reischer. Elijah Spira, Reischer's brother-in-law did not seem to have corresponded with him, but is once mentioned advising on Get procedure, Shebut Ya'akob, Vol. II, Teshubah #93.
LIST OF NAMES OF CORRESPONDENTS IN REISCHER'S SHEBUT YA'AKOB, VOLS. I, II, AND III

---(continued)---

<table>
<thead>
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<th>Name</th>
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<th>Teshubah Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samson of Duesseldorf</td>
<td>I</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>III</td>
<td>121</td>
</tr>
<tr>
<td>Simon Spira</td>
<td>I</td>
<td>81,88</td>
</tr>
<tr>
<td>Sho'ul Apta</td>
<td>I</td>
<td>107</td>
</tr>
<tr>
<td>Solomon of Rotterdam</td>
<td>II</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>III</td>
<td>28</td>
</tr>
<tr>
<td>Simon of Bamberg</td>
<td>III</td>
<td>61</td>
</tr>
<tr>
<td>Samuel Zenvil Weil, Ab Bet Din of Alsace</td>
<td>III</td>
<td>119</td>
</tr>
</tbody>
</table>

NAMES OF CORRESPONDENTS MENTIONED IN THE 18 TESHUBOT ADDED TO MINHAT YA'AKOB

<table>
<thead>
<tr>
<th>Name</th>
<th>Teshubah Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leib, son of Ephraim of Ofen</td>
<td>18</td>
</tr>
<tr>
<td>Lipman of Switzerland</td>
<td>3</td>
</tr>
<tr>
<td>Menachem Mendel of Hamburg</td>
<td>1</td>
</tr>
<tr>
<td>Mendel, son of Rabbi of Tribetch</td>
<td>6</td>
</tr>
</tbody>
</table>
CHAPTER IV

REISCHER'S METHOD OF TREATMENT OF HALAKAH AND AGGADAH

A. Reischer's Method of Treating Halakah

Reischer's main field was Halakah. His works became famous immediately upon their appearance and have continued to be guides in Jewish law to this very day. What was his method in dealing with problems of Halakah? Why was his approach considered superior? Did he really ignore completely later authorities on Jewish law and ritual as some have charged? Was he lenient or severe, meikil or mahmir, in his final decisions?

It appears that Reischer had a systematic approach to his studies. The two outstanding qualities and traits were: (1) he was not satisfied to accept an opinion unless he himself had re-examined all the sources; (2) he felt that study must be systematic, beginning with the earliest sources available and then moving forward, maintaining the chain and proper sequence of the Jewish historiographic tradition. Reischer would look first for a Mishna or a Tosefta, then for the Halakic Midrash. After this he would turn to Talmud, Maimonides and other early, post-Talmudic authorities. Finally, he would continue to investigate the Shulhan Aruk, its commentaries and the responsa literature and only then make his conclusions. He refused to merely discuss decisions based on summaries, hair-splitting distinctions, or
sole interpretations of contemporaries.\(^{239}\)

Reischer was blessed with the rare combination of having been well-read and of a keen and logical mind. He would win his arguments by employing both of these gifts at the same time. He could find a Talmudic passage to substantiate his point of view which his opponent did not recall or had overlooked. Again, he was able to make such fine distinctions in a given case which his opponent could understand, but was unable to imitate.

These two important qualities were recognized by his contemporaries as well as by later authorities to have been possessed by him, thus, making his works superior to many other books of this kind. It is for these reasons that Reischer's books enjoyed popularity among scholars and that they are being consulted to this very day.

There were other reasons why Reischer was considered as one having made special contributions to Jewish jurisprudence. He was extremely cautious and responsible with regard to final decisions. For example, once he was requested to interpret the meaning of a local Jewish ordinance (Takanah) and the text and circumstances were explained to him. Reischer refused to give an opinion, until he had seen the text of the ordinance in black and white.\(^{240}\)

\(^{239}\)In order to substantiate my findings three Responsa summaries are given in full in the Appendix indicating Reischer's application of system and logic.

\(^{240}\)Shebut Ya'akob, Vol. II, Teshubah #135.
Again, we often read in Reischer's Responsa that he refused to give a final opinion, unless he could find another authority to share his view in the matter, especially in questions of Niddah, Agunah, or in a case where other authorities held a different point of view.

As to the accusation made especially by the Hok Yoseph that Reischer treated lightly later authorities and his contemporaries, and that he only respected the opinion of early masters of the law up to the Shulhan Aruk this seems to be somewhat exaggerated. It can only be said that Reischer respected the early teachers (Rishonim) more than he did the later authorities (Acharonim), but he did not ignore them. This attitude is not unusual and was accepted by many students of the law. To generalize and to claim that Reischer ignored all later authorities and that he acted disrespectful toward them, is an exaggeration and cannot be substantiated.

Reischer did take issue more consistently with the

241 Laws of menstruation were complicated and severe. Jewish family life and morality were believed to be dependent on their observance. Reischer's careful attitude is expressed in these words:


242 Laws of the deserted wife, where husband is separated from her without bill of divorcement; or his whereabouts are unknown. Marriage and divorce was considered the cornerstone of Jewish existence. The laws were strictly upheld even to the point of harshness. Rabbis avoided acting as individuals, they preferred meeting as a group of three, with the jurisdiction of a court, in these difficult cases. As Reischer remarks:


243 See page 61 of this thesis, ft. 197.
following books: Bet Shemuel, Olat Shabbat and Olat Tamid, Magen Abraham, Nahlat Shivah, and Bet Ya'akov.\footnote{Reischer's introduction to his Shebut Ya'akov, Vol. I: שלח נמר הנכון במכלים持ちים, אשר שימו כ' צרכן. אשר חידושי ורשונים
בשוואות וקנות להכין כ' phúcות. ...
247 Shebut Ya'akov, Vol. I, Teshubah #22.}

Jacob Reischer opposed in his writings some younger authors and especially those who composed summaries, kizzukim, without sufficient notes and sources. He was not in favor of the Perah Mate Aharon, Be'er Heteb and the Kizzur Sheloh.\footnote{For the names and dates of these authors see page 80.} Reischer was outspoken in his criticism against younger scholars who published books without sufficient knowledge for such undertakings. In his view they were just bold and irresponsible or many times just looking for honor and fame.\footnote{Author of Bet Ya'akov--Jacob b. Samuel of Zausmir (Sandomierz) first edition Direnfurt, 1696.}

At the same time, however, Reischer sought the opinion of many contemporaries, and he acknowledged even their superiority, apologizing and retracting his own opinion when necessary. Thus, he said for example\footnote{Author of Perah Mate Aaron--Aaron ben Chayim Perachya, published Amsterdam, 1703. Author of Be'er Heteb--Isaiah ben Abraham, book on Orah Hayim, published at Amsterdam, 1708. Author of Kizzur Sheloh--Yehiel Mihel ben Abraham, Amsterdam, 1707.}

that he would not be ashamed to admit that he made a mistake, if that should be the case.

In most cases, we find a healthy give-and-take attitude in Reischer's correspondence with his colleagues, where he will claim victory once and acknowledge defeat in the next case.

Reischer had great respect for the following authorities which
can be classified as Acharonim: Joseph Colon, Chacham Zvi Ashkenazi, Moses Hagiz, David Oppenheimer, Yair Bacharach, and Ezekiel Katzenellenbogen. He criticized the Maharsha occasionally, but on the other hand, he would rely on him and base his opinion upon Luria's decisions.

Reischer knew only one authority, the law of Torah. He bluntly remarked that he would refute the word and decision of even a friend or relative, if a question of Halakah were at stake. He was true to the law and impartial. He claimed further, that some contemporaries had taken bribes and that he, on the other hand, had never succumbed to this temptation. On the contrary, he used to suggest that law suits should not be encouraged at all, but that differences between individuals be settled by reconciliation. He also stated that he always supported the established court of the city, turning away from

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248 Ashkenazi—born 1658, died 1718 at Lemberg, Rabbi at Altona, Amsterdam, Hamburg, and Lemberg.
Hagiz—see pages 123-126
Oppenheimer—see pages 21-25.
Colon—Joseph ben Solomon, born 1420, died at Padua 1480, Responsa printed at Venice, 1519.
Bacharach—see ft.nt. 163
Katzenellenbogen—see ft.nt. 96

249 Solomon ben Jechiel Luria, born 1510 died at Lublin 1573, Rabbi at Ostrog and Lublin.

This comment is based on Micha 7,20. But references to himself—
any matter which would increase division or strife.251

True excellence and superiority of a judge, the Rabbis of the Talmud said, can be established by the attempt of the individual in authority to seek the lenient decision in any given case.252 Reischer doubtlessly qualified for this distinction. He always tried to make the law less difficult and cumbersome, unless greater authorities before him had made it impossible.253

Another reason why Reischer's works were considered outstanding and more influential than others, was the fact that he had a sound attitude to the modern problems of his day. He felt responsible to answer the questions of his generation and was unafraid to delve into new issues and render decisions. He believed, for example, that a physician can be relied upon in certain questions of Niddah,254 as well as in matters concerning the saving of human lives. He permitted the administration of harmful drugs to humans, if expert doctors considered it a fifty-fifty chance.255 Reischer also permitted animals to be

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252 Talmud Babli, Hulin 58a

253 Perhaps this was another reason why Reischer's books were quite popular. This aspect will be further elaborated in the chapter on Reischer's attitude to Jewish life.

254 Shebut Ya'akob, Vol. II, Teshubah #76.

255 Other Rabbis did not agree since the drug might hasten
used as guinea pigs for scientific research. 256

Reissher permitted the innovation of wearing glasses for the administering of the Halizah ceremony, although most rabbis required the use of the naked eye. 257 For similar reasons Reissher did not disqualify an aging priest from blessing the people simply because he was unable to do it standing up as was usually required; in this special circumstance sitting down seemed to Reissher permissible. 258

In another inquiry Reissher permitted the Jews to remove their hats in the Synagogue out of respect for an important gentile who had come to visit there. 259 This indicated a modern outlook and an independent judgment of Reissher, making his works more valuable. Some of his decisions appear as current and as courageous today as they must have been two centuries ago.

Although Halakah was the basic authority for Reissher,
he also recognized religious acts based on local custom—minhag, 260 as well as customs based on piety—chasidut. 261 However, the former must never oppose the law and the latter must not be considered obligatory or ever take the place of the law. Reischer was very outspoken on the subject of wrong custom—minhag shetut, and made use of the well-known play on words, minhag-gehinam. 262

The only criticism of Reischer's approach to Torah and life is perhaps the fact that he based this relationship exclusively on Halakah, without due regard to moral implications, some of which may not be explicitly expressed in the Talmud, but seem to be implied. For example, he permitted Jews to trade with the tanned skins of enemy soldiers by basing it on the strict legal opinion in the case. 263 One would expect here some reference to the moral and aesthetic aspect of the case, which would explain that this transaction, although legally permitted, was however against the spirit of Jewish law. Reischer did not add such sentiment. Of course it should be realized that the severe


261 Ibid., Vol. I, Teshubah #177.

262 If the letters of the Hebrew word MNHG—custom, are read from right to left the word GHNM—Gehenna is formed. This was used to indicate that from an improper custom evil will result. Reischer quotes this in Shebut Ya'akov, Vol. II, Teshubah #6. As to the history of this use see Ozer Yisroel, David Eisenstein, editor, New York, 1913. There we learn that Rabbenu Tam used it first.

263 Shebut Ya'akov, Vol. I, Teshubah #89.
restrictions imposed upon Jews in commerce and all other branches of earning a livelihood, particularly in war time, may have forced Reischer to this harsh attitude. However, the lack of mentioning any objection on grounds of ethics or aesthetic feelings is conspicuous in this particular responsum.

B. Reischer's Method of Treating Aggadah

Although Reischer's main field of study was Halakah, we find him deeply interested in Aggadah as well. What importance did he assign to the historic, legendary, and theological discussions of the Rabbinic literature? What prompted him to contribute to this special field of literature? What new approach did he bring to it? What urged him to write a full commentary on the Aggadic portion of the Talmud, collected in the En Ya'akov?

After examining a goodly number of examples of Reischer's Aggadic comments in his book Iyyun Ya'akov, certain conclusions can be reached which can assist answering some of the above questions. The consistency in his approach, coupled with a clear methodology, seems to display a characteristic all his own. It was stated earlier that Reischer considered the Aggadic portions of the Talmud of secondary importance. He himself tells us, that he indulged in this study only because he lacked sufficient books at the time as well as the tranquility to discuss the more serious legal portions of the Talmud.

This attitude was universal and continues to be held by

264 In Chapter III, Reischer's Literary Activity.
265 Reischer's introduction to Iyyun Ya'akov.
Jewish Halakic authorities even to our own day. Reischer, felt, however, that studying and making contributions to this branch of Torah would be a pious occupation and a way of serving God. In his preface he indicated, that only significant comments deserved to be written down and published in a book form, and he felt a need to justify the publication of his own book. He stated, therefore, that he would only put down in writing such comments as he felt were new and novel. It is also possible that Reischer gave weekly instruction in En Ya'akob, and thus the Halakist became occasionally an Aggadist, although this is not explicitly indicated by Reischer.

It appears that Reischer did blaze a new path in Aggadic interpretation in many instances which will now be indicated. It is quite evident that Reischer, in his commentary Iyyun Ya'akob, was usually quite rational, clear, and original.

He indicated that all his comments would be simple and plain-peshet, and that he would refrain from far-fetched and obscure explanations wherever possible. However, there were some exceptions in Reischer's comments as far as plain and rational interpretation is concerned, but these may rather

266 Ibid.
267 Ibid.
268 The simple interpretation of a passage based on the language, idiom or grammar as used in every day speech is called "peshat." Any other explanation based on hidden meaning, rules of rabbinic interpretation implied, but not stated in the text, is referred to as "derash."

269 Introduction to Iyyun Ya'akob.
prove the rule. The temptation for abandoning the simple explanation was too great even for Reischer when he noticed that the Mishnah teachers (Tannaim) emphasized the importance of the number three. There had to be some connection between all such sayings. Thus Reischer said rather forcefully that Pesach and service, Matzah and Torah, Moror and Loving-Kindness were corresponding one to the other.

Reischer in his Aggadic comments relied substantially on his great store of Talmudic knowledge and explained most of the obscure passages by drawing on that source. His method, most often used, was to illuminate one Talmudic passage by means of another, as one of the thirty-two Midoth of Rabbi Eliezer, son of Rabbi Jose Haglili, suggests.

Jacob Reischer was most skillful in pointing out those

270 Ḥayyun Ya’akov, Pesachim 109.

Based on Mishnah Aboth, Chapter I.

Based on Mishnah Pesachim, Chapter X.

271 Reischer suggested that Pesach was the equivalent of Service (ritual or Temple); Matzah to correspond to poverty connected with Torah; Moror to point to God's Loving-Kindness for He redeemed the Israelites from slavery.

In Halakah a connection of two sayings by the same Rabbi is sought even if the subjects are not related. This method is known as Leshitato. This could have prompted Reischer to apply it in the field of Aggadah, thus, we see the Halakist adapting himself to Aggadic matters. Did Reischer believe that the author of both statements mentioned above was the same? Reischer is being accused of carelessness with or poor knowledge of the history of the Tannaim and Amoraim elsewhere. See J. Slotnick-Avida.

272 The rules of Aggadic interpretation are appended to the first Talmudic Tractate Berachot, the rule quoted is #17.
Talmudic statements which seemed to supplement one another.
Thus we find a passage to the effect: "One who holds a Scroll of the Law naked, will be buried naked." Reischer supplied the comment which connected it with another passage, "in which the human body was compared with the Scroll of the Law."

On the Talmudic dictum:

Whosoever partakes of the wedding meal of a Bridegroom . . . if he does gladden him, what is his reward? Rabbi Joshua ben Levi said; he is privileged to acquire (the knowledge of) Torah . . . .

Reischer, after having searched for a connecting link between Torah and a wedding feast, finally found it.

Reischer's logical method of interpreting Aggadah was demonstrated most clearly in the following commentary on Hillel's famous words: "What is hateful to you, do not to your neighbor." Why did Hillel use the negative form in stating the Golden Rule? Why did he not say, "Love thy neighbor as thyself?". Reischer answered, that this rule is followed more readily if taken in the negative side.

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273 All English translations of Talmudic passages are from the Babylonian Talmud, translated into English by Rabbi Dr. I. Epstein, Soncino Press, London, 1938. This passage is from Shabbath 14A.

274 Reischer's book, Iyyun Ya'akov, Sabbath 14A.

275 Ibid., Berachot 6B.

276 Sabbath 31A.

277 Ibid.
Talmudic passage: What is (the reason of) Chanukah?,

Reischer suggests that perhaps the eight candles of the festival are indicated here. Again, as a comment on the Talmudic text: "He who habitually practises (the lighting of) the lamp will possess scholarly sons," Reischer quite originally remarked because his household will be able to study by the light.

As an expression of almost modern thinking on the part of Reischer, which was typical of his sound attitude to the entire field of Aggadah, the following seems to stand out. To the Talmudic passage "Jerusalem was destroyed only because the Sabbath was desecrated therein . . . the reading of the Shema was neglected . . . they neglected the education of school children . . . ." Reischer, in commenting on this passage, seems to have implied that the teachers of the Talmud did not disagree as to the reasons for the destruction of the Temple.

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278 *Ibid.*, Sabbath 21B.

279 Others had used the word of Chanukah as an abbreviation, see Maharsho, Sabbath 21B, who quotes Rabbenu Nissim, who in turn quotes: "Someone wrote Chanukah means, they rested on the 25th." Reischer suggested another abbreviation, eight candles on the 25th.

280 *Iyyun Ya'akov*, Sabbath 23B.


282 *Ibid.*, Sabbath 119B.

but everyone emphasized the sin which was most apparent in his own particular time, in order to teach his generation an important lesson.

It also appears that Reischer was particularly interested in those passages of Aggadah which were relevant to Halakah, trying to explain the origin or reason for various commandments. The following examples might be pointed out: "Jacob instituted the evening prayer..." is it compulsory or optional?". He replied, "It is optional;" upon which Reischer commented that Jacob was free from the duty of prayer since he was always occupied with the study of Torah; hence, his evening prayer was optional. Again on the passage "Great is knowledge, since it was placed at the beginning of of the weekday blessings." Reischer commented that this order of prayer must not be changed as some have suggested lately.

Reischer demonstrated his great skill in harmonizing.

284 Berachot 26B,
Based on Genesis 28,11
Based on Genesis 25,27

285 Berachot 27B

286 Iyyun Ya'akov, Berachot 26B.

287 Berachot 33A.

288 Iyyun Ya'akov, Berachot 33A. Reischer is apparently alluding to Jonathan Eybeschutz and his followers, thus reflecting some problems of his time.
conflicting statements when he was asked by Rabbi Gershon Coblenz to explain the following paradoxical sayings:\textsuperscript{289}

A) Had not Israel sinned only the Pentateuch and the book of Joshua would have been given them.

B) The Holy One blessed be He desired to make Israel worthy, therefore gave He them the Law (to study) and many commandments (to do).\textsuperscript{290}

Reischer:

If we had not sinned, all of us would be like Rabbi Akiba who was able to deduct all laws just from the passages of the Torah.

If we had not transgressed the Law, we would still be in the Land of Israel and had no need except for the Five Books of Moses and Joshua.

Finally, the Torah compensates for suffering; if we had fewer sins we would have less suffering and less need for Torah.\textsuperscript{291}

Reischer, in his Aggadic commentary, made use not only of the Babylonian, but also of the Jerusalem Talmud, the Midrashim and commentaries to the Talmud.\textsuperscript{292} He quoted frequently the Maharsho\textsuperscript{293} and he referred often to his own remarks which he made in his novella on various Talmudic tractates.\textsuperscript{294}

\textsuperscript{289}Makkoth 23B.

\textsuperscript{290}Nedarim 22B.

\textsuperscript{291}Shebut Ya'akov, Vol. II, Teshubah #182.

\textsuperscript{292}Samuel Edels, Rabbi in Posen, Lublin, and Ostrog, died 1631. He also wrote a commentary on the Aggadic portion of the Talmud, called \textit{Chidushe Aggadoth}, Frankfort o/M, 1682.

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connection it is interesting to note that our Rabbi refers sometimes to his own collections which are no longer extant. Thus, he mentioned his commentaries to tractate Sanhedrin, Menachot, Nedarim, Yebamoth, Abodah Zarah, and Megillah, none of which came down to us.295

Jacob Reischer was fully aware of the distinction between the literal meaning and the homiletic interpretation of a Biblical passage. When deviating from the literal meaning, he stated it clearly and introduced it with the remark:296 "And by way of Derash I said . . . ." to indicate that this is not the true meaning of the passage.

It appears that Reischer tried to avoid Cabbalistic interpretation in his Aggadic commentary. In rare occasions, where a Talmudic statement would call for mystic exposition, Reischer tried to lend to it an historical garb only.297 On the other hand where he had the opportunity to speak out against Cabbalah, he would do so. To the Talmudic statement:298 "Keep your children from meditation," Reischer added significantly--

295 Iyyun Ya'akov, Berachot 55.

296 Ibid., Erubin 53.

297 Berachot 26B.
Reischer tried to be exhaustive in his comments, giving more than one reason for a ritual or a passage. Thus, he gave two explanations for the Sabbath meals,\textsuperscript{300} four different reasons for the Passover wine\textsuperscript{301} and many expositions for the passage: "Our forefathers instituted prayer."\textsuperscript{302}

One must especially appreciate Reischer's scholastic honesty when he admitted that he could not explain a certain passage. In such a case he added: "It is better to remain silent than to add to the spurious comments of others which do not satisfy."\textsuperscript{303}

Finally, Reischer would always try to teach a moral lesson related to his own time and needs, while commenting on Aggadic sayings. Every lesson which was applicable to daily life, Reischer passed on to his generation. While discussing the Talmudic statement concerning the possible exclusion of the book of Ezekiel from the Bible Canon, Reischer was quick to point out:

\textsuperscript{299}Iyyun Ya'akov, Berachot 28.

\textsuperscript{300}The three Sabbath meals, Shabbat 117.

\textsuperscript{301}Four cups of wine, Pesachim 109.

\textsuperscript{302}Berachot 26.

\textsuperscript{303}Pesachim 54.
out, that one must not destroy books today just because some statement in them was unusual, or difficult to comprehend. Reischer admonished his generation to learn to be cautious with the remarks of Rishonim and blame their lack of knowledge rather than the words of their predecessors. He warned them not to imitate some young scholars who condemn quickly.

In another remarkable comment Reischer displayed cleverness and great insight. To the Talmudic passage:305 "Hillel said, my son you have asked a great question," Reischer justified Hillel by stating that if Hillel had not replied in this fashion, this man may never have asked any other question. Hillel teaches our generation to respect any inquiry, lest people be afraid to ask a second time.306 Finally, Reischer had a profound statement on the subject of sickness and its relationship to repentance and spiritual life, when he offered the following thoughts:

A) Do not consult a doctor immediately, rather look at your spiritual condition first.

304 Sabbath 30.
305 Sabbath 31, the question was very silly, thus Hillel's reply seemed strange.
306 Iyyun Ya'akov, Sabbath 31.
307 Ibid., Berachot 5A.
308 General practitioners claimed that 50 per cent of their patients had no physical ailment.
B) Learn from the physician, just as he must seek the cause of the illness, so must you seek the reason for God’s dissatisfaction with you.

C) However, do not look for any significance in an ailment brought on by obvious human causes, overeating, or exhaustion.309

Text in *Iyyun Ya'akov*, Berachot 5A.
CHAPTER V

JACOB REISCHER AND COMMUNAL LIFE

A. Regarding Jewish Leadership

It seems that a fierce struggle was in progress in the communal life of Reischer's period, regarding the powers of the rabbinate and lay leadership. How far-reaching was the influence of the Rabbi in a community? What was the authority of the lay leader in relation to the Rabbi?

Reischer entered the controversy by trying to uphold the dignity of the rabbinate, by insisting on the absolute authority of Jewish law as expounded by experts and by underlining the unquestionable right of the local Rabbi to be the only one to decide all questions involving Jewish law. At the same time, however, he recognized the need and place for lay leadership, but he pleaded for an intelligent and learned

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311 Ibid., Tesh. #87. Reischer reminded the lay leaders of the Talmudic opinion (Sabbath 111a).
312 Ibid., Tesh. #74. Reischer also mentioned that he discussed this question in his Torat Hashalim.
Jewish lay government. Reischer fought relentlessly against any form of intimidation of Rabbis by rich and influential Jews. At the same time Reischer was also critical towards Rabbis and he urged them to increase their knowledge and improve their actions.

Jacob Reischer was convinced that the dignity and respect for the rabbinate should be upheld under all circumstances, even by means of the rabbinic excommunication, the *Herem*, if necessary. This did not mean, however, that he endorsed high-handedness of Rabbis or false pride. On the contrary, there is sufficient proof that Reischer himself was a very humble man, respecting most of his colleagues and fellow Rabbis.

One is also able to detect, on the part of Reischer, a jealous guarding of the Rabbi's position vis-à-vis other religious functionaries. He insisted that a Hebrew teacher (melamed) should

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not perform marriages.\textsuperscript{319} This was only to be done by a Rabbi. Furthermore, a ritual slaughterer (shohet), who was unwilling to show his knife to a Rabbi, or anyone who challenged the authority of a Rabbi, should be removed.\textsuperscript{320} At the same time, he cautioned the Rabbis not to abuse their powers and not to suspect all shohtim of disloyalty to the rabbinate.\textsuperscript{321}

Finally, Reischer made it clear that the position of a Rabbi must receive public recognition. Thus, a learned man was entitled to preference in a law suit,\textsuperscript{322} a talmid hahan should refuse to sit together in a Bet Din with unworthy or simple members.\textsuperscript{323} He also suggested that a permanent court of Rabbis be established in every community and be in charge of legal matters wherever possible.\textsuperscript{324} Reischer attempted to restrict

\begin{itemize}
\item \textsuperscript{319}Ibid., Vol. III, Tesh. #121.
\item \textsuperscript{320}Ibid., Vol. I, Tesh. #51. Reischer insisted on carrying out the Talmudic law of Rabbinic supervision of the shohet to all questions of religious law.
\item \textsuperscript{321}Ibid., Vol. II, Tesh. #58.
\item \textsuperscript{322}Ibid., Vol. I, Tesh. #144.
\item \textsuperscript{323}Ibid., Vol. II, Tesh. #137. Reischer insisted on the Talmudic requirements.
\item \textsuperscript{324}With regard to city of Metz, for example.
\end{itemize}
the takanah bylaw against appointing a Rabbi who is a relative by demanding that it must not be construed so as to disqualify even distant relatives who have become candidates.325

Reischer also became involved in the question of salaries for Rabbis.326 The negative side had strong support, since no reward was to be received for instructing in Torah.327 Reischer, when asked about payment for a Pesak Din (legal decision) made a very fine distinction, permitting acceptance of remuneration for such an effort. He said,

...since Torah knowledge today has decreased and we are not completely clear in the true Torah application, therefore, all a Rabbi really does now is to find a suitable settlement, a compromise, and for this, one may surely take salary.328

He strengthened rabbinic authority by insisting that the officer of the Bet Din (Jewish Court) could use force, if necessary, and a rich and influential party in a law suit could be required to plead before a court in a neutral town.329

325Ibid., Vol. III, Tesh. #83.


327Mishnah Behorot, Chapter IV, Mishnah 6.

Talmud Bavli Ketubot 105a.

Maimonides, Aboth 4 who opposes vehemently acceptance of salaries by Rabbis. However, the TashBaZ (Samson ben Zadok, first edition, 1556), permitted it.

328Shebut Ya'akov, Vol. I, Tesh. #142.

329Ibid., Vol. III, Tesh. #141.
The top lay leaders of the various Jewish communities during Reishecher's time were frequent subjects of controversies in his responsa. On the one hand, every Jewish leader whether learned in Jewish lore or not, deserved a certain amount of honor and recognition. On the other hand, if he was a talmid haham, additional recognition was in order. Furthermore, if he was not learned at all, some Rabbis and laymen refused to recognize his leadership and would certainly not permit his interference in matters of ritual. Finally, there were many occasions where the lay leaders over-stepped their power and used their influence and wealth to intimidate rabbinic leadership.

There seems to have been a tradition in the seventeenth and eighteenth centuries for community leaders to have been elected by virtue of their ability to contribute large amounts of taxes. Reishecher was asked about the validity of a new takanah, stipulating that either payments of high taxes or Jewish learning without such payments be made the pre-requisite for appointments to the Jewish Community Council. Reishecher answered that the takanah should be enforced, since it was a common custom.

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330 Ibid., Vol. I, Tesh. #74.
331 Ibid. A Takanah is a regulation adopted by a Jewish community for the benefit of its members. The text of this particular regulation was as follows:

שלא י🎈חדי לבניברר, אם לא yarıו פק ידועו ומייחרה מובנה בשם חוה שיא י🎈ח על כל שנה יהיה ליפור מקום מורותי כשיא י🎈ח, כל מורותי...

לכן إنه פ обязательно ריזי או הלא י🎈ח לכל כصال כصال כصال השישים 미ילון מחרוב...

כד שיבא להכריה... מתגרש של ישראל торг...
Reischer was also called upon to give a decision with regard to honoring poorly educated Jewish officials. Could these individuals be given preference in being called to the Torah as was the custom with other leaders of Jewish communities? Reischer insisted that since the individual in question had attained such high position of Jewish lay leadership, he deserved this honor whether learned or not.

Another interesting correspondence throws light upon Reischer's attitude to Jewish lay leadership. Moses Hagiz addressed a question to Reischer regarding a matter of disinterring the dead and re-burial elsewhere, so that another relative might be buried in the vacant plot. This request was based on a will which was referred to the local Jewish leaders of the community (Amsterdam). After having asked the Amsterdam Rabbi (hacham) the leaders permitted removal of the remains (al tenai) with the stipulation that it be buried in Israel. It seems that this was not according to the Rabbi's advice, for when Moses Hagiz was visiting Amsterdam, he was asked the same question by the local leaders who were not sure of their actions. Neither was Hagiz, for he relayed the inquiry to Jacob Reischer. In his reply Reischer had this to say about his lay leaders:

But the leaders of today are not qualified to give an opinion on matters of Jewish law at all,

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333 Based on Talmud Gittin 60a.

334 Teshubah #1 of the "eighteen" responsa printed at the end of the Minhat Ya'akov.
and their silence would be better than their speeches in which they attempt to give ritual decisions in the very presence of their Rabbis. It is advisable to rebuke them sharply for this.

He then gave his opinion on the ritual question indicating that no removal should be permitted at any time, except where it was customary to remove bodies after a certain period of interment. Finally, there was the case where Rabbi Ezekiel Katzenellenberg of Hamburg (1670-1749) requested the assistance of Reischer to impress upon a wealthy and influential man the fact that Jewish law was strongly opposed to bribe, intimidation, and influence. A certain Rabbi was afraid to give an opinion locally, in a case involving a rich man. His reason was the fact that all the local leaders were prejudiced in favor of the wealthy individual. Both Rabbi Ezekiel and Reischer agreed that the rich person could be forced to stand trial in a neutral place, so that justice would be done. Reischer agreed to make his views known to the wealthy individual by letter, as requested. Reischer showed courage and sincerity which is greatly demonstrated in this responsum. He was not a man who could be bought—he was a true Rabbi in Israel.


336 Ibid., Vol. III, Tesh. #141.

337 Ibid.
B. Regarding Religious Observances

It was mentioned earlier,\(^{338}\) that in his treatment of Halakah Reischer endeavored to find the more lenient opinion if possible. It appears that he continued this trend with practical questions of ritual observance as well. With restrictions pertaining to mourning Reischer was lenient;\(^{339}\) in laws and customs referring to priestly families (Kohanim) he eased the restrictions preventing defilement because of health reasons;\(^{340}\) in laws of soaking meat he showed special consideration in difficult circumstances;\(^{341}\) and he excluded vermouth wine from the prohibition of Gentile wine.\(^{342}\)

Reischer tried to make observances easier for the individual as well as for the community. In special hardship cases he permitted a widow to marry before the usual period of waiting,\(^{343}\) and he allowed the adding of warm water to the

\(^{338}\) See page 83 of this thesis.

\(^{339}\) Reischer made liberal use of the Talmudic tradition of leniency with laws of mourning in line with the rule:

Ibid., Vol. I, Tesh. #90.

\(^{340}\) Ibid., Tesh. #85.

\(^{341}\) Ibid., Tesh. #58.

\(^{342}\) Ibid., Tesh. #63.

\(^{343}\) Ibid., Tesh. #98.
ritual bath (mikveh) so that the women would find it more pleasant. Reischer permitted the painting of the Lulab to make it look green and fresh at a time when the prices for new ones were prohibitive. In case of rain he permitted eating indoors on Sukkoth, without requiring a lengthy period of waiting for the rain to stop. Reischer was also against the introduction of additional fast-days because of local misfortunes. He did not believe that one should burden the Jewish community with additional fast-days and restrictions, merely for local difficulties. He permitted the reading of the newspaper on the Sabbath, restricting it, however, to the news part. Any other reading would detract from the holiness of the day.

Reischer, however, agreed that there were some categories in Jewish observance where leniency would be out of place. (1) When the lenient opinion would be an apparent violation of a well-founded tradition. (This he made clear in his opposition to the Prague custom of drinking coffee on the Sabbath in local

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344 Ibid., Vol. III, Tesh. #82.
345 Ibid., Vol. II, Tesh. #28.
346 Many expressed the opinion that one must wait with Kiddush and meal even till midnight. Reischer's opinion, see Shebit Ya'akov, Vol. III, Tesh. #45.
348 Ibid., Vol. III, Tesh. #23.

See also Orah Hayim, Section 307.
restaurant.)

(2) When the stricter opinion was based on an old and well-established custom. (Thus, Reisheer held that the Hadassim of Prague should not be used, and a wedding during the prohibited period of the counting of the Omer should not take place, even if after the 33rd Day, Lag Be'omer.)

(3) When most early authorities (Rishonim) insisted on strictness in the case, or when all later authorities (Acharonim) and the current custom was against the easier way. (It was for these two reasons that Reisheer was strict with the butchers in Amsterdam who had neglected laws of Nikkur which early authorities had enforced, and he prohibited the prayer for the sanctification of the moon (Kiddush Levanah) on Sabbath and Holidays.)

Finally, there was one other category where Reisheer refused to be lenient, namely, when the leniency, in his opinion, could be abused, thus leading to a deterioration of the entire law. (For these reasons Reisheer remained uncompromising with

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350 Ibid., Tesh. #36.

351 Ibid., Vol. II, Tesh. #35.

352 Ibid., Vol. I, Tesh. #57.


In this he disagreed with his famous brother-in-law, David Oppenheimer.
the question of Sirhot, and warned butchers and shohtim to 
interpret the law of Kashrut as strictly as possible, since 
they might be lenient for business purposes.354 He was strict 
with family purity laws (Niddah),355 fearing that the family 
would take the matter lightly and finally, he was severe with 
carrying a watch on Sabbath, thus preventing the laws of not 
carrying on the Sabbath from disappearing.)356

C. The Social and General Conditions 
of the Jews at His Time

Reischer's Responsa can also assist in the study of 
Jewish life, both religious and social, during his time. They 
can assist in answering the following questions: How widespread 
was Jewish scholarship and learning at his time? How strong and 
pure was Jewish family life? What difficulties were encountered 
in social life due to gentile environment, influence of Christ-
ianity, wars, persecutions and expulsions?

In addition, how did Jacob Reischer try to alleviate 
the suffering and strengthen the hands and minds of the Jewish 
masses? In what way did his decisions and leadership help 
stabilize Jewish communal life and thereby bring about a certain

354Ibid., Tesh. #105.
355Responsa #13 of the "Eighteen Responsa" at the end 
of Minhat Ya'akov.

Reischer's attitude to practical Halakah was lenient except in 
matters where laxity was feared, he adopted the stricter view.
measure of inner peace and tranquility?

There is testimony to a healthy, religious life in which the entire community used to share. All of Reischer's male congregants could not only recite Hebrew prayers, but could chant them and act as Cantors.\textsuperscript{357} Jewish learning was widespread even among laymen; it was appreciated and publicly recognized. Thus, we are informed in Reischer's Responsa that a wealthy man made a will to increase the share of the inheritance for one of his sons if he would distinguish himself in learning.\textsuperscript{358}

Reischer was always sensitive to Jewish unity and Jewish security and was mindful of his responsibilities of leadership.\textsuperscript{359} In dealing with the government or ruling power, in war or peace, he was most cautious.\textsuperscript{360} Finally, Reischer acted as protector and champion of Jewish women, defending them against all accusations.\textsuperscript{361}


\textsuperscript{358}\textit{Ibid.}, Vol. II, Tesh. #146. See also the appendix at end of this thesis.

\textsuperscript{359}\textit{Ibid.}, Vol. I, Tesh. #96.

\textsuperscript{360}\textit{Ibid.}, Vol. II, Tesh. #82.
On the negative side of the picture, Reischer indicated that the influence of Galut, war and oppression had begun to make inroads in the otherwise peaceful and strictly religious life of the Jewish community. Some religious organizations had deteriorated, people were plagued by collectors and were tired of giving to Mechalchim. Occasionally, Jews converted although returning to the fold from time to time. Finally, Reischer's period was not free of the Mosur (the Jewish informer who spied on his co-religionists for payment). The compassionate Reischer pleaded for mercy with respect to the Mosur's children, if they were good. They should not suffer just because their father turned to this contemptible pursuit.

Jewish family life was morally sound and of very high calibre. However, because of constant contact with peoples of lower morals, Jewish family life was also affected adversely. There were cases of intermarriage, wife beating, light-
heartedness, such as mock-marriage, and illegitimate Jewish children. Reischer was asked about a son who refused to pay funeral expenses for his father and who had to be legally forced to make such payment. A brother requesting exhorbitant payments for performing the required ritual of Halizah in behalf of his sister-in-law, had to be brought to court where it was finally settled. Again, there were evil sons of a Kohen who had disgraced their family. The public demanded not only punishment of the children, but of the father as well. Reischer suggested that the father must not suffer further disgrace on account of his sons, but instead he should be accorded all the privileges of the priesthood.

There is evidence in Reischer's Responsa of the hardships of the Jewish communities due to unfriendly laws, restrictions, and even outright persecution at the hands of non-Jews. One of the best illustrations of the latter is the question of martyrdom, kiddush hashem. Thus, Reischer was consulted concerning

368 Ibid., Vol. II, Tesh. #118.

369 Ibid., Vol. III, Tesh. #108.

370 Responsa #8 of the "Eighteen Responsa" at the end of Minhat Ya'akov.


372 Ibid., Tesh. #2.
a Jewish community which was forced to transgress a law for which Jews were required to give their lives. Several members of this community had the opportunity to leave quietly. Must these people flee and save themselves (so as not be accused of suicide), or must they remain in order to share the fate of the majority in this great sacrifice for Judaism?373

Reischer carefully avoided a one-sided reply to this question of grave responsibility and far-reaching consequences. He stated that the people may leave, since they were able to avoid the terrible transgression and live; but they were also permitted to remain and serve as an example of courage to the others in performing the holy duty of the sanctification of the Holy Name. In the latter case, they would not be considered as guilty of suicide.

Other evidence of outrages committed against Jews during those days is brought to light by the careful observance of a fast day in the city of Worms since 1096.374 On May 18 of that year, the Crusaders attacked the Jews of that city without mercy.375 This sad memory of 1096, as well as the constant insecurity and danger of recurrence of such outrages, compelled the Jews of....

373Ibid., Tesh. #106.

374Ibid., Tesh. #6.

Worms to continue the self-imposed fast day.

There were also cases of cemetery desecration mentioned by Reischer, and he was forced to permit the burning of dilapidated Holy Books—Sheimot—lest they be desecrated by non-Jews. A Gentile law restricted not only the building of synagogues, but also the size of cemeteries for Jews, so that Reischer had to decree that the usual required distance between one grave and the other might be diminished, due to exile (Galut) and thus accommodate more people. In addition to these peculiar Jewish disadvantages, the Jews were not immune to the general adverse conditions of the seventeenth and eighteenth century. Two great conflagrations occurred in the city of Prague in 1689 and 1713 playing havoc with the Jewish ghetto and causing great suffering and distress. Another fire destroyed the Jewish ghetto of Worms in the year 1689 during the French invasion of that city.

Reischer, when asked about the ritual of mourning for

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376 Shebut Ya'akov, Vol. II, Tesh. #103.


378 Ibid., Vol. II, Tesh. #95.

Also Vol. I, Tesh. #87.

379 Ibid., Vol. I, Tesh. #158.

380 Ibid., Vol. II, Tesh. #136.

381 See ft. nt. #301, also Wolf, Zur Geschichte der Juden in Worms, 1862.
the burned Torah scrolls in Prague, tells us in moving words how he himself witnessed the destruction of untold numbers of Torah Scrolls, and how he himself carried several to safety. In his reply he insisted that Keriah (tearing of garments) was not required, except for the destruction by willful intent.  

The war of the Spanish succession of 1701-1713 caused very great economic distress to the Jews, so that some were forced to deal with the skins of the enemy, accept temporary currency which could become worthless overnight, and trade in stolen goods. Reischer was asked, regarding the latter case, whether a refund could be legally obtained from the thief, where the rightful owner had claimed his belongings. Reischer agreed that no refund was necessary, since the buyer knew that he was buying stolen goods in the first place.

In the path of poverty and war, followed sickness and plagues—epidemics which swept through entire communities. Reischer was asked in this connection about the use of chemicals on Jewish bodies for the purpose of disinfection; his answer
was in the affirmative, perhaps because he had lost his only son during such a pestilence in Prague.

It appears further that robbers of all kinds frequented the highways and Jewish merchants were an easy target for prey. Reischer was asked concerning a wife of a traveling merchant who tried to protect her husband’s life from robbers by giving herself freely into their hands, relying on their mercy. Reischer permitted the wife to return to her husband and considered the transgression as forced upon her by the circumstances.

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387 Ibid., Tesh. #117.

ロックה יש להנהוג בה הוה לא}_${ תפריסיול או מושמר נשירה...
CHAPTER VI

JACOB REISCHER'S RELATIVES, ASSOCIATES, AND DISCIPLES

A. His Son, Grandson, and Great-Grandson

Jacob Reischer had only one son,388 Simon, who enjoyed a very fine Rabbinic reputation on his own account, who corresponded with his learned father regarding ritual questions,389 and who wrote a commentary and notes on his father's books.390 Simon had great love and affection for his father.391 He stated that his father was humble and even after a clear decision with underlying proof and documentation, would end his statements with a reference to further study and varification by other means.

Simon also insisted that the knowledge of his father was well-known and that all books of Jewish law lay open before him like a well-set table.392

388 נָבִי יִתוֹב Introd. Shebut Ya'akob, Vol. II.


390 Simon's notes on his father's Minhat Ya'akob are called "Shemen Leminha" and added to the Hok Ya'akob. (See p. 52)


392 Ibid.

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Simon was First Rabbi (Ab Bet Din) of Rosnitz, Poland and after this, Associate Rabbi (Darshan) in Prague. He must have been a very busy Rabbi in spite of his youth, since he apologized for his imposing upon his father’s time in seeking advice by stating that he had no time to give the matter too much thought.

Jacob’s affection for his only son was very great, and he praised his ability and good judgment in his Rabbinic duties. Jacob attended Simon’s wedding and was heartbroken at the early loss of his only son in 1714.

Simon’s son, Nehemiah Reischer, was Assistant Rabbi of Metz and Rabbi of Lothringen. He is best known in Jewish history for the part which he played in the famous Eybeschutz-Emden controversy. The main issue of the strife, in short, was whether or not Eybeschutz was sympathetic to the Shabbethai Zebi movement and whether his denial at various occasions was...

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393 Reischer’s introd. to Shebut Ya’akob, Vol. II.


395 Ibid.

396 Ibid., Tesh. #182.

397 Reischer’s Introd. Shebut Ya’akob, Vol. II.

398 Zalman Reischer’s Introd. to Vol. III, Shebut Ya’akob.

399 Literature on controversy, see Bibliography of thesis.

genuine. Emden and those on his side believed that Eybeschutz was a follower of the false Messiah; the friends of Eybeschutz denied this vigorously and blamed Emden for inventing a myth to disgrace Eybeschutz, who had been called to serve in the same community of Hamburg in which Emden lived.

Nehemiah Reischer was on the side of Emden and against Eybeschutz following the Reischer family tradition in this matter. However, a peculiar development resulting in a complete turnabout of Nehemiah, makes this episode complicated but very fascinating.

Jacob Reischer, Jonathan Eybeschutz, and David Oppenheimer were all well-known Rabbis in the city of Prague at the beginning of the eighteenth century. In spite of the fact that they became related to one another through marriage into the famous Rabbinic family of Spira, sharp disagreements developed between David Oppenheimer and Jonathan Eybeschutz, with Jacob Reischer siding with Oppenheimer.

It appears that the initial disagreement had its origin in the question of final authority in Jewish law in the city of Prague. David Oppenheimer had been appointed Chief Rabbi and felt

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401 Jacob Reischer and his wife were reported to have been against Eybeschutz. See also Emden's book, Sefat Emet, p. 11.

402 Reischer remained in Prague till 1714. D. Oppenheimer became Chief Rabbi of Prague in 1702, in 1713 over half of Bohemia, in 1718 over all of Bohemia. J. Eybeschutz came to Prague in 1710.

403 Both D. Oppenheimer and Jacob Reischer had married daughters of Wolf Spira. Eybeschutz married the daughter of Isaac Spira, a nephew of Wolf Spira.

404 As for example in the case quoted, see also next footnote.
that his decisions in Jewish law should be final. Jonathan Eybeschutz, the younger of the two, thought that at different times Oppenheimer's decisions were not legally correct. Since Eybeschutz was, even at that early time, a recognized Talmudic genius, a clear and sharp teacher, and a very prolific writer, he had many admirers in spite of his youth and the stature of his influential opponent. The matter of disagreement came to a head when Eybeschutz permitted a certain meat after both Oppenheimer and Reischer had prohibited it.

From this day on, Oppenheimer opposed Eybeschutz in all matters, particularly in the printing of the Eybeschutz Talmud edition and the question of a Takanah, a stipulation by a community not to hire a Rabbi who is related to a member of the congregation.

Jacob Reischer supported Oppenheimer against Eybeschutz in all these matters for reasons which are nowhere clearly stated, but which can be conjectured to be the following:

(1) Jacob Reischer was against mysticism (Cabbalah); Eybeschutz stressed it to such a degree that he must have been considered

\[\text{Shebut Ya'akob, Vol. III, Tesh. #65.}\]

See also Tchernovitz, Chaim, Toldot Haposkim, Vol. III, p. 239.
Also Greenwald, Rabbi Jonathan Eybeschutz, pp. 34-35.

\[\text{Graetz, op. cit., Vol. 5, p. 251.}\]

\[\text{Shebut Ya'akob, Vol. III, Tesh. #83.}\]

It seems that the Eybeschutz election to the pulpit of Hamburg depended on the decision of this question.
a heretic by Reischer.\(^{408}\) (2) There must have been some professional jealousy between the two men, and it was aggravated by the fact that Eybeschutz was elected to the very position which was vacated because of the sudden and tragic death of Reischer's promising son, Simon. (3) Jacob Emden, being the son of the famous Haham Zebi, Ashkenazi of Hamburg, who was greatly respected by Jacob Reischer as well as being considered a close friend,\(^{409}\) had at once Reischer’s sympathies in this controversy, particularly since the fight against Cabbalah was Reischer’s from the very beginning.

It is therefore quite strange that at the beginning Nehemiah Reischer, Jacob's grandson, should have been on the side of Eybeschutz.\(^{410}\) However, Nehemiah was attracted to Eybeschutz by his great learning and his new approach to Talmudic discussions.\(^{411}\) In addition, he was drawn to him by his radiant personality which won him such great popularity and an unbelievable great number of students and admirers in a short time and over a wide area.\(^{412}\) Nehemiah Reischer was so impressed with

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\(^{408}\) Emden, Sefat Emet, p. 11. From Nehemiah's letter to Emden.

\(^{409}\) Shebut Ya'akov, Vol. I, Tesh. #86.

\(^{410}\) Emden, op. cit., p. 11.

\(^{411}\) Ibid.

\(^{412}\) Ibid.
Eybeschutz that Oppenheimer was forced to warn him not to attend Eybeschutz's lectures and Rabbi J. Falk, author of Penet Yehoshua, had to warn him to forsake the cause of Eybeschutz. Yet Nehemiah campaigned openly for the candidacy of Eybeschutz to fill the vacant Rabbinic position in Metz, to occupy the place of Jacob Reischer, his own grandfather, whose opposition to Eybeschutz was well known to him.

It may have been the dramatic appeal of Jacob Reischer's widow to the leaders of Metz and her insistence that Eybeschutz's election would be an insult to her late husband's memory, that caused Nehemiah to change camps, or perhaps it was on account of some reported irregularity of a transaction by Eybeschutz which occurred at that particular time. In any case, Nehemiah made

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*Also Graetz, op. cit., p. 341, ft. nt. 15 and p. 394.*

*414 Greenwald, op. cit., p. 84.*

*415 Emden, op. cit., p. 11.*

*416 Ibid.*

*417 Ibid.*
a complete turnabout and became one of the fiercest enemies of Eybeschutz. Perhaps the excommunication of Eybeschutz by the famous and revered Rabbis, Arye Leib of Amsterdam, Samuel Hilman of Metz, and Joshua Falk of Frankfurt contributed as well to Nehemiah's change of mind.

Whatever the reasons, we find that Nehemiah's friendly attitude to Emden was so intense now, and so well known, that he was excommunicated as a friend of Emden by a supporter of Eybeschutz, Hayim of Lublin, together with Emden himself and another supporter, Moses Majo.

The last member of the Reischer family who is of some importance to an account of Jacob Reischer is the son of Nehemiah, Zalman Reischer, Jacob's great-grandson. He lived in Metz and must have been of means, since he was able to publish the last volume of Jacob's Responsa, a feat which Nehemiah was not able to accomplish. This book was published in 1789 and contained also an introduction by Zalman and a recommendation by the well-known Pinhas Halevi Horvitz, Rabbi of Frankfurt o/M. As far as the importance of Zalman Reischer to this thesis is concerned,

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418 Emden, Hitavkut, p. 2.

419 This information comes from Emden's book Hitavkut which was also the source for Graetz's History, Vol. V.

420 Introd. to Reischer's Shebut Ya'akov, Vol. III.

421 Author of Book: Sefer Haphlaah, Offenbach, 1787 and others, died about 1805.
it is mainly because he disclosed the burial place of Jacob to have been in Metz, that Nehemiah died before 1789, and that he was in the possession of the two manuscripts of Jacob Reischer's unpublished books, "Mishpetei Ya'akov" and "Yeshuot Ya'akov," which were quoted quite frequently by Jacob. 422

There were four other people who had a closer contact with Jacob Reischer. They were: Moses Hagiz, Judah Leib ben Ephraim, Gershon Coblenz, and Judah Miller of Deitz.

B. Moses Hagiz

Moses, the son of Jacob Hagiz, was born in Jerusalem in 1671. His father died while he was still a child, and he lived a hard life. Moses was a poor but well-educated man and tried to make a living by teaching and publishing books. He was sent as an emissary from Jerusalem and wandered through Italy where he had friends and to Amsterdam where he taught until 1714. Here he made the acquaintance of the great Rabbi Zebi Ashkenazi, and he became involved in the Hayyun controversy. 423 Because of his zealotry against the Messianic pretender, Moses Hagiz was forced to leave Amsterdam. He went thereupon to Altona and finally

422 Zalman's introd. to Shebut Ya'akov, Vol. III.
returned to Palestine in 1738, where he died about 1750. His most important books are the Leket Hakemah on the Shulhan Aruk and his Responsa collection, Shetei Halechem. The relationship between Jacob Reischer and Moses Hagiz must have been very cordial, since Moses requested Reischer's support freely and solicited his opinion regarding matters of Jewish law. Jacob Reischer, in every case, replied with courtesy and showed great respect for his erudition, saying in one case at least, that Moses Hagiz need not rely on Jacob's learning or reasoning power.

Moses Hagiz must have felt that the Amsterdam community was lax in some aspects of Jewish observance, and that he should try to remedy the situation. In at least two of such cases Hagiz sought the opinion and support of Jacob Reischer. The first case involved the carelessness of the kosher butchers with regard to the laws of Nikkur. Reischer heartily agreed that Hagiz should try to correct the matter, and he deplored the situation as

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424 See also A.L. Frumkin, Toldot Hakmei Yisrael, Vol. II, Chapter on Moses Hagiz.

425 Lekat Hakemah--responsa collection on Shulhan Aruk subjects, Amsterdam, 1695. It was an addition to an earlier responsa collection by Isaac ben Abraham Hayim Yeshurun author of Panim Hadashot, Venice, 1651. Lekat Hakemah, II--a commentary on Mishnayot, Wansbeck, 1726. Shetei Halechem: Wansbeck, 1733.


rervently as Hagiz. The other case was a complaint about the improper use of cemetery lots where the lay leadership tried to arrogate for themselves the right to make decisions which involved questions of ritual law.\(^{428}\) Reischer again supported Hagiz in the case and deplored the independent action of the lay leadership.

A very interesting inquiry was made by Hagiz with regard to a betrothal in jest, kiddushin Bitzchok. Moses Hagiz must have been on one of his many travels, since the question came from the city of Kassel, Germany. A married man betrothed a widow in jest and since there were witnesses, Hagiz was afraid that it might be a valid betrothal and that a divorce would be required. Reischer did not think so and advised that no divorce was necessary.\(^{429}\)

In another case where a Cohen had married a Haluzah,\(^{430}\) without having had knowledge of her status, Jacob Reischer answered the inquiry, but added that since this was a new case for him and since he was most cautious in his replies, he would not rely on his own decision, unless other Rabbis would agree with him.\(^{431}\)

Here one can notice Reischer's greatness, seeing that he was selected by Hagiz to answer such a new and difficult question.

\(^{428}\) *Ibid.*, Tesh. #87.
\(^{430}\) Based on Deuteronomy 25,5; A woman released of the need for levirate marriage through a religious ceremony.
There is also a solemn testimony here to Reischer's humility, when he admitted to Hagiz that he would not entirely rely on his own decision.

C. Judah Leib ben Ephraim

Another frequent correspondent and friend of Jacob Reischer was Judah Leib, son of Ephraim the author of the Shaar Ephraim. Judah Leib is best known for editing and publishing this volume of Responsa. Judah also added some original responsa under the title Kuntres Acharon, the last pamphlet. Otherwise a resident of Jerusalem, Judah came to Europe for the purpose of arranging the publication of this book.

Judah Leib began his correspondence with Reischer from the city of Jerusalem, and at the outset, it was not in an altogether friendly tone. It seems that Reischer's commentary on the laws of Passover, the Hok Ya'akob was criticized by some Palestinian scholars and Judah found also, on his own accord, some irritable habit in the book. Judah, in his first letter to Reischer, complained that Reischer dismissed well-known and distinguished Jewish authorities, such as the Magen Abraham, for example, without sufficient proof and respect.

Jacob Reischer replied politely, without any signs of

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432 Ephraim ben Jacob Kohn of Wilna, author of Responsa collection Shaar Ephraim with an appendix by Judah Leib, Sulzbach, 1688.


434 Ibid.

An apparent lack of reverence on the part of Reischer for the opinion of well-known Acharonim.
anger and in a very gentle manner. He insisted that his dismissal was based on careful considerations and only after having ascertained that his own opinion was the correct one in each case. He added, however, that if he was wrong, he would be the first to make his apologies. Reischer continued to say that this has been his custom always, not to rely or insist on his own good judgment against the opinion of others. In other words, if he be proven wrong, he certainly would admit his mistakes.

This first frank encounter of the two Rabbis seemed to have established very cordial relations between them for the remainder of their lives. For from then on, the exchange of correspondence was only on a friendly basis. In the next exchange, Reischer explained that he submitted to Leib a decision in an adultery case for support and agreement. Another time, Judah Leib made inquiries about a difficult passage in Maimonides, which Reischer clarified. Finally, when Judah Leib was about to have his father's book published, the Shaar Ephraim, he came upon a doubtful case regarding a Sefer Torah written improperly. Judah Leib turned to Reischer for clarification, and he answered

By the way, Judah Leib asked this question in behalf of another Palestinian scholar whose name was omitted.
to the best of his ability.\textsuperscript{139}

**D. Gershon Coblenz**

Rabbi Gershon Coblenz, son of Isaac Moses Seligman of Metz, was a student of Jacob Reischer and became one of the Dayyanim of Metz.\textsuperscript{140} He lived in the first half of the eighteenth century and must have died as a fairly young person. The correspondence between Coblenz and Reischer began and ended in the second volume of Reischer's Responsa and indicated that it was for a comparatively short period only. Again, since Gershon's book *Kirvat Hannah*\textsuperscript{141} was printed by his son Jacob in 1785, it is apparent that Gershon Coblenz lived a short life. Finally, we are told that Gershon was very ill, so that the name Jacob was added to his own. However, he soon died of the severe sickness.\textsuperscript{142}

In his correspondence, Gershon addressed Reischer with great reverence, referring to him as "Man of God," while referring to himself as the youngest of his students.\textsuperscript{143} Reischer was always very polite, friendly, and happy to answer all his inquiries.

\textsuperscript{139}Responsa 18 of the "Eighteen Responsa" printed at the end of *Minhat Ya'akob*. It involved a question of Haser or Yeter (with letters Y- or without).

\textsuperscript{140}Shebut Ya'akob, Vol. II, Tesh. #131.

\textsuperscript{141}Responsa collection, Metz, 1785.

\textsuperscript{142}See Chonez, *Toldot Haposkim*, p. 565A.

\textsuperscript{143}Shebut Ya'akob, Vol. II, Tesh. #14.

\textsuperscript{144}Ibid., Tesh. #131.
However, it seems that some of the replies were unduly delayed and Reischer was compelled to excuse himself. Once he remarked that he was very busy and must be brief; another time he blamed the pressure of the holiday season for his delay.

In Gershon Coblenz's opinion, Reischer rated very highly as a legal authority in Jewish law. He stated that he had asked many Rabbis first, before turning to Reischer and that because they could not answer him satisfactorily, he now inquired with him.

In addition, three important questions of Jewish law were discussed by these two respondents which are recorded. One was the question of making use of the public mail on the Sabbath, receiving or sending mail which had to be transported on that day. Reischer was able to permit it. Secondly, there was an inquiry regarding a movement emphasizing the custom to have midnight services, Tikkun Hazot, especially in the city of Metz. It was stated that the masses were encouraged to come to the synagogue for that purpose and Gershon was afraid that this was not proper. Gershon's reason was that no ordinary individual should arrogate for himself...
the importance of a saint, for whom such services were usually designed. Reischer agreed that such services should not be encouraged, but for other reasons, namely that it would adversely affect attendance at regular daily services, and it would keep people away from the study of the Torah. Reischer agreed that such services should not be encouraged, but for other reasons, namely that it would adversely effect attendance at regular daily services, and it would keep people away from the study of the Torah.

Reischer was asked to give a decision on the importance of all laws classified as "danger" but not "forbidden." The example in this particular question was, whether foods or drinks kept under a bed were permitted. Reischer was lenient and permitted it, making a distinction between law and custom. Gershon Coblenz also addressed a lengthy question of Aggadah to Reischer which was earlier discussed in detail.

E. Judah Miller

Another student and disciple of Jacob Reischer was Judah Miller of Deutz. Like Gershon Coblenz, Judah Miller had the highest regard for his teacher, Jacob Reischer. In several Responsa, Judah indicated that this particular question was asked of other Rabbis, but that no satisfactory answer was received.

It appears that Cabbalistic influence encouraged this new custom and Reischer opposed any such influence.

There were a number of prohibitions classified as Sakanah—dangerous but not outright prohibited. It appears that renewed emphasis on these laws was due to Cabbalistic influence for which Reischer had no respect.

See page 92 of this thesis.

Deutz is near Cologne, Germany. Miller held several positions in the Rhineland of Germany.
whereupon he turned to Reischer for guidance.  

Reischer's remarkable erudition was particularly evident in a responsum involving a difficult passage in Maimonides.  

Judah was convinced that there was an error in the text and that the reading ought to be changed. He asked such permission of Reischer. However, Jacob Reischer argued that since he had no books with him which to consult, being just on a visit, he did not feel competent to settle the question from memory. He did suggest, however, that it seemed to him that Maimonides was correct and no textual change was necessary, since Maimonides relied on a certain Tosefta. After Reischer had returned home, he verified his opinion and as suspected, Maimonides was based on a Tosefta and some other sources.

Another time, Reischer was called upon to decide whether Judah Miller or Samson of Duesseldorf were correct. The inquiry dealt with a question regarding a Sefer Torah which had been repaired improperly. At first, Reischer hesitated to mediate, seeing that his close associates were involved. In the end, he assumed his responsibility as Senior Rabbi, but at the same time, he had his decision verified by David Oppenheimer of Prague.

Judah Miller called upon Reischer in many other instances,

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454 This occurred at a meeting of the two Rabbis at Duesseldorf where Judah inquired of Reischer.
456 David Oppenheimer at the time was visiting his father-in-law at Hanover, Reischer tells us. Oppenheimer agreed with Reischer.
Ibid., Tesh. #80.
usually to clarify difficult passages, emphasizing the fact that the older authors of legal works such as the TaZ, Avodat Hager-shuni, Mishne Lamelech, and Kesef Mishne could not be easily dismissed, even if they seemed difficult to comprehend. Rather than accusing them of mistakes, one must delve into the Talmud and earnestly try to find justification for their statements. With Reischer's vast erudition, it was perhaps easier for him to follow such a path than for his students or colleagues.

Another very interesting comment in the Reischer-Miller responsa exchange is also worth noting. It regards the reliability of an author of the book Yerioth Izim which was supposed to have been written by a great man according to Miller. Miller inquired of Reischer with regard to a difficult passage in Maimonides and seems to have suggested that based on the Yerioth Izim the Maimonides passage seemed almost impossible. Reischer made this interesting reply

I never heard of the book or the author, unless you refer to a book written in the style of religious poetry (paitan) which certainly cannot be accepted as authoritative in Jewish law. Furthermore, it appears that the author is never quoted by any other legal authorities of importance, he therefore, is certainly not significant enough to challenge and displace such a legal authority as our great Maimonides.

CHAPTER VII

REISCHER'S PLACE AND INFLUENCE IN THE
JEWISH COMMUNITY OF HIS DAY

All indications, from the primary and secondary sources which were consulted, point to the conclusion that Jacob Reischer tried to be a responsible Jewish leader who successfully upheld the dignity and effectiveness of his high office and important calling. Although it appears that Reischer did not seek out any controversies and definitely tried to keep himself removed from conflict, yet in the battle for the dignity and influence of the Rabbinate, Reischer did not remain silent. In many places we hear him defend the Rabbinate and rebuke the lay leaders who were encroaching on Rabbinic duties and responsibilities. Over and over again did Reischer stress the fact that communal leaders must not interfere in religious questions, but must uphold the ruling of the Rabbis and Rabbinic Courts.\textsuperscript{1461}

In another instance when the Rabbis were accused of charging too much for their legal advice, a complaint also voiced in the Memoirs of Gluckel von Hameln,\textsuperscript{1462} Reischer justified the Rabbis. Their time and effort should be compensated.\textsuperscript{1463} It seems

\textsuperscript{1461} Shebut Ya'akov, Vol. I, Tesh. #87. Also in Moses Hagiz, Lekat Hakemah, p. 103.
\textsuperscript{1462} See p. 30, edit. Marvin Lowenthal, New York, 1932
\textsuperscript{1463} Shebut Ya'akov, Vol. I, Tesh. #142.
that Reischer realized that there was more at stake than the legal fees of the Rabbis. It seemed to him, and perhaps rightly so, that the laymen tried to discredit the reputation of all Rabbis, so as to weaken their position and eventually take over the leadership of the Jewish community. This, our Rabbi could not permit to happen, for he was dedicated with all his life to the furtherance of the traditional Rabbinic Judaism of his time.

It appears that Jacob Reischer had most of the traits of character and certainly the scholarship of a great Rabbi, worthy to lead the largest and most important community of his day. Although he did serve important congregations, yet he was never called to the most distinguished ones such as Hamburg, Berlin, or Frankfurt. One suspects that his occasional poor health, his temporary blindness, and the wide influence of his enemies, about whom he complained so often, were probably contributing factors which prevented Reischer from rising to the very top in communal Jewish leadership.

Reischer, over a period of years, must have acquired a reputation not only of profound scholarship, but also of complete honesty and integrity, combined with a passion for justice. He himself complained of the acceptance of bribes by some colleagues, which he considered outrageous. It seems that he had many opportunities to succumb to such temptations. Jacob Reischer was asked many times to settle or assist in the settlement of inheritance cases, some probably involving large fortunes and wealthy parties.Æ164

One such case came before Zebi Hirsch Berlin, who consulted David Oppenheimer, Hirsch Halberstadt, Naphtali Katz of Glogau, and finally Jacob Reischer. The attention given to the case indicates that it was no small matter.
Reischer appears to have been beyond reproach and seems to have adhered to the highest ethics and morals.\textsuperscript{165}

There were also many questions concerning Nadon.\textsuperscript{166} Reischer was consulted in these matters repeatedly, indicating that he had a reputation for complete honesty and impartiality.\textsuperscript{167} Rabbi Moses of Zanz\textsuperscript{168} consulted with our Rabbi regarding such a case in which the courts of Cracow, Apta, and Pinczow were involved.\textsuperscript{169}

Finally, Reischer was called upon for Halakic decisions which necessitated ethical considerations and which were of a difficult nature. Business transactions for Jews were always cumbersome during these years, especially in war time. In this connection Reischer was asked among other inquiries the following questions.

What should Jews do in case the gold standard was changed suddenly on account of war? What constitutes unethical or illegal business practice under such circumstances? What would happen to former business transactions and money loans affected by these

\textsuperscript{165}Shebut Ya'akob, Vol. III, Tesh. #174.
\textsuperscript{166}Money which the wife brought into the marriage union, which had special status in the financial arrangement of the couple which became important in case of a divorce.
\textsuperscript{168}A town near Cracow.
\textsuperscript{169}This was the only responsum of Reischer in which a Rabbi suggested that the parties settle their dispute at the meeting of the council of the four lands in Jaroslaw. Shebut Ya'akob, Vol. I, Tesh. #107.
changes? Is it permitted to trade in stolen goods or in other illegal merchandise, if these were the only means of sustaining life?

Reischer was not only called upon to voice his opinion in such matters, but he seemed to have been one of the greatest authorities in these questions. He advised always patiently, cautiously, and with consideration.\textsuperscript{470}

Reischer's Responsa \textit{Shebut Ya'akov} received additional attention for dealing with unusual questions. He once discussed how Siamese twins would fulfill the law of phylacteries and marriage. Reischer delved into the Talmud and found the answer.\textsuperscript{471}

Jacob Reischer tended to be more lenient in Jewish life and rituals than many of his colleagues. His great mind realized that the Jewish religion was not needed to provide greater hardships to the already suffering Jewish masses. He attempted to lighten the burden rather than to add to it, to emphasize fundamentals rather than to enforce customs. Above all, he was not afraid to decide on new and modern problems of his day, but he was always prepared to shoulder the responsibilities of his office, and to share this task with like-minded leaders of Israel.

As a typical example of the result of this attitude, are the following two cases involving the question of carrying on the Sabbath by means of an \textit{Erub} (a device to permit carrying on the


See Appendix at end of this thesis.
Sabbath. In both of these cases, eminent authorities had questioned the legality of the Erub, but Reischer sided with the more lenient opinion, against the Hacham Zebi of Hamburg in the case of the city of Toplin, as well as in the unusual instance of the ice Erub in Rotterdam. The latter needs some explanation. The city of Rotterdam, Holland has many canals and in the winter they freeze over so that one can walk on them. Reischer was asked whether such streets on ice can be included in the Erub device. Reischer replied that since the Talmud does not explicitly exclude such a possibility and since three other Rabbis permitted it, the old arrangement of including such streets should remain unchanged.

There has always been one area in Jewish life where the Jewish religion placed many restrictions upon the Jewish woman, occasioning severe hardships. This problem of Agunah became acute particularly in or after war times, and during Reischer's time gave rise to many inquiries. In his Responsa we hear of such cases based on rumors of death, accidents, armed robbery, and war time incidents, as well as plain desertion or because of conversion to another faith.

It is a well known fact that only the greatest Rabbinic authorities were considered competent to give judgment and to

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472 Ibid., Vol. II, Tesh. #7.
474 The deserted woman whose husband had disappeared without having legal witnesses testifying to his death, or a body found without proper identification. In such cases the woman was considered married until definite proof of her husband's death was established.
make final decisions in such questions. Rabbi Reissher, in many
instances, was called upon to solve such intricate cases, together
with other outstanding scholars of his day. Our Rabbi's opinion
and legal advice was sought jointly with those of David Oppen-
heimer, Yecheskel Katzenellenbogen, and Rabb Naphtali Cohen
of Frankfurt.

In all these questions of great personal responsibility,
Reischer was humble, careful, and unquestionably loyal to Torah
Law, but at the same time humane, compassionate, and even lenient.

Another serious problem of Jewish community life at that
time was the occasional necessity for the individual Jew or an
entire community to make the supreme sacrifice for Judaism. Such
inquiries of the need to sanctify the Holy Name, Kiddush Hashem,
were made of Jacob Reischer. It goes without saying, that only
the greatest sages and scholars were consulted in such matters of
life and death. His replies and demeanor in such heavy and criti-
cal tasks were just, dignified, and responsible. Such admirable
conduct was also evident in such other difficult encounters as
cemetery desecrations and the like.

There is one other test for greatness with regard to
Jewish leadership, namely whether or not the individual partici-

476 Ibid., Tesh. #111.
477 Ibid., Tesh. #114-115.
478 See p. 111 of thesis, based on Shebut Ya'akov, Vol. II,
Tesh. #106.
479 Shebut Ya'akov, Vol. II, Tesh. #103.
Also in Kneset Yecheskel of Katzenellenbogen, Tesh. #37.
pated in Jewish world movements, ideological controversies, or questions of Jewish Weltanschauung. Of course, not all periods in Jewish history had movements of such distinguished nature. However, during Reischer's time, there occurred the Shabbethai Zebi movement, a controversy regarding the importance of Cabbalah and the famous Eybeschutz-Emden conflict in which our Rabbi's interest and influence can be observed.

With regard to the first movement of Messianism, no clear statement taking issue with the subject specifically could be found in Reischer's Responsa. It is somewhat disappointing that Reischer, in this case, did not voice an opinion openly and unmistakably, for Moses Hagiz, a contemporary of Reischer, spoke out against the pretender Hayyun.

In the issue of Jewish mysticism (Cabbalah), Reischer did voice an opinion. We know that he was against it, but even here he was most cautious and never attacked any individual exponent, nor did he mention any name of those who were connected with the movement.

Finally, in the Eybeschutz-Emden controversy, although Reischer's sympathies were known from other sources yet no real declarations by himself were forthcoming. It is difficult to give reasons for Reischer's peculiar behavior in these matters. Perhaps he was deliberately avoiding controversies, and instead concentrated on his studies, students, and Responsa.

In addition to Jacob Reischer's great Talmudic knowledge, he was also blessed with great teaching ability and a burning zeal.

to spread Torah. Wherever he became Rabbi, he immediately founded
a Yeshiva or carried on its activity with added enthusiasm. He
even gives the impression as if he would judge the desirability of
a post by the availability of Rabbinic students and a Yeshiva insti-
tution. Our Rabbi tells us how pleased he was to find good Talmud
student-material in Worms and in Metz.\textsuperscript{482} His great devotion to
teaching was richly rewarded in that he was blessed with such im-
portant disciples as his own son Simon, the famous Gershon Coblenz
as well as the illustrious Judah Miller and others.

All told, it must be admitted that Reischer's fame rests
most profoundly on his literary output. This activity more than
anything else demanded his attention as well as his time. Both
the quantity and the variety of content testify to the enormous
amount of time and effort which must have been devoted to this
phase of Reischer's work. It appears that the reward in this field
was also the greatest, according to the Rabbinic dictum "According
to the effort will be the reward,"\textsuperscript{483} for it provided him with a
more lasting and more widespread fame and remembrance than any
other portion of his eminent contributions to Jewish life.

\textsuperscript{482} Reischer's introd. \textit{Shebut Ya'akov}, Vol. II.

\textsuperscript{483} Mishna Aboth V, 23.
APPENDIX

A. Shebut Ya'akov, Vol. I, Teshubah #1

Digest of Question:

On Chanukah 1708, Siamese twins, joined at the head, were brought to our town. They were non-Jewish boys and a little over one year old. What would be the law in case of Jewish children?

Digest of Answer:

This is a difficult question, but I will try to answer it. Based on the discussion in the Talmud Babli, Menahot 37a: "If one has two heads on which one does one place the phylacteries? ... How much money must one give to the Kohen (Priest) for the redemption of such a firstborn, five or ten Sela'im?"

Reischer concludes: The discussion in the Talmud and the uncertainty in the commentaries, Rashi and Tosfot, is restricted to the Talmudic question of one child with two heads, but in our case we are dealing with two children joined at the head; therefore, it is clear that they must don phylacteries separately.

איך פסיו הדקדוק ופיילוק זריך כל_anchor מחיי הפיילוק בגדים עשרים... And as far as inheritance is concerned, they must receive two portions, just as any other two individuals. However, they cannot get married, since they must sleep in one bed.

כש אוסר א"א זוג אוסר למשן ביניהם כל מע ...
Again, if one is a male and one a female the parents have fulfilled the duty of parenthood.

The Siamese twins can also participate in a Halizah ceremony, but the one joined at the right should be the participant, since the right side is always preferred with Halizah. As for the redemption of the firstborn, if they were born head first, ten Se'elim are to be paid, if feet first, five as with ordinary twins.

B. Shebut Ya'akob, Vol. I. Teshubah #34

Digest of Question:

A man received the Sukkoth festive branch (Arba Minim) during the Hallel prayer. It was in proper condition (kosher), but the man refused to use it, explaining that he would wait an hour or so for a better set (mehudar). May one wait or not? Do we apply in this case the dictum: "The eager ones will hurry with the performance of the commandment."

Digest of Answer:

1) Sifra and quoted in Talmud Babli Menahot 72a:

One does not have to wait to fulfill the commandment in a more desirable manner (min hamuvhar), but should perform it immediately. Thus in Orah Hayim, Section 25, laws of phylacteries we find that if one has phylacteries but no prayershawl one should don the former and not wait for the latter.

2) Reischer insists that the festive branch (Lulab) is
a different case. In the phylactery case, it was doubtful whether the prayershawl would be forthcoming altogether, hence we say that one should not wait, but in our case of the festive branch, he was certain that in a couple of hours he could fulfill the law more pleasingly. In such circumstances one should wait.

There are three examples to prove this in the Talmud, Reischer explains:

A) Talmud Babli, Yoma 6b.

If one order of priests became suddenly unclean while preparing the sacrifice, we wait so that another order can be brought in, although we could rely on the rule that uncleanliness does not invalidate a congregational offering.

B) Talmud Babli, Sanhedrin 12b.

One may make a leap year or intercalate a month in order to sacrifice the Paschal lamp in cleanliness. And the fact that the animals for the offering are not fully grown can serve as an additional reason (saad) to help postpone the holiday. All this is done to assist in fulfilling the commandment more satisfactorily, and the setting of all the coming festivals is postponed for one month.

C) Talmud Babli, Baba Kamma 80a.

If one made a vow to marry a woman in Eretz Israel one is not forced to marry immediately, but one can wait for a suitable wife.

Reischer concludes that the man should wait for a better Sukkoth branch and our case cannot be compared to the phylacteries, since there the quality of the commandment is not decreased by the immediate fulfillment of the mitzvah.
Digest of Question:

A Gentile brought a large barrel of Vermouth wine which was sealed on the top, but only tightly closed and not sealed on the side of the tap. Is this wine permitted?

Digest of Answer:

(1) Gentile wine is prohibited for two reasons, because they use it in worship or because it can lead to intermarriage. However, when wine is mixed with honey or leaven it is no longer prohibited. (Isserles, Yore Deah, Section 123) Since Vermouth wine does not taste like real wine it ought to be permitted.

(2) Two authorities will not permit such distinction and claim that the mixture must be different in name as well as in taste in order to be permitted. (Zemah Zedek—Menachem Mendel b. Abraham and Havot Yair—Hayim Bacharach.)

(3) Reischer concludes: (A) The severe opinion is only found with wine and vinegar because the taste is so close, but not with any other wine mixtures. (B) Fear of intermarriage exists only with a commonly used social drink, not with Vermouth wine. (C) A tight tap is as good as a sealed one according to Abodat Hagershuni, Responsa #88. (Gershon Ashkenazi)

Therefore, in this case I do not hesitate to permit it and in any other new occurrence with regard to Vermouth wine some other Rabbi's permission would be required to permit it in general.
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Digest of Question:

Since the law of Halizah demands that no participating judge (Dayyan) must be blind even in one eye, may a judge who depends on glasses participate?

Digest of Answer:

(1) In Talmud Babli, Rosh Hashanah 24a, a similar question is raised with regard to witnesses who saw the new moon in water or a metal mirror reflection. This is not acceptable. The Responsa D'bar Sh'muel (Samuel b. Abraham Aboab) 242 mentions also that one cannot bless the new moon by seeing only a reflection or in a glass mirror; although he permits it later for other reasons.

(2) Reischer gives two reasons why in our case we can be lenient. (A) Our rabbis were asked to be extra strict with witnesses for the new moon. (B) Only reflections and mirror without looking at the sky or moon are in question, but if a mirror or glasses are looking at the real object, this is certainly valid. Proof that such sights are considered real are found in the Talmud Babli as follows: Yebamoth 49, The prophet seeing the glory of God in a mirage. Sotah 31a, Unborn children could see the Almighty from the womb of their mothers. Also in Berahot 25b, another proof.
(3) The Responsa Halahot Ketanot #99 (Jacob b. Samuel Hagiz) permits reading the Torah through glasses. However, this could be restricted to people who could also see without them, and be of no avail for old people who rely on glasses completely.

(H) Reischer concludes, let us look at reality, at everyday practice. Cantors read with glasses and especially in our case, where it is stated that Halizah should be performed before elders, and most learned and wise Rabbis are older men who do wear glasses (not like some who are "wise in their own eyes" who usurp the place of judges and may God repay them) and they participate in the ceremony and I never heard any complaints about it. (Reischer)

מ"ם פרק זה, כותב לאמינו דרב שמחנין קריזר ""בחי עיניך"...
שthr בצליל חורגת מהה תמימים רוקדים ממם הרשימים על התורה ורחיצים אין
בחי עיניך ולא שמיעת מעלה פרשת מה רביניאן

E. Shebut Ya'akov, Vol. II, Teshubah #51

Digest of Question:
A Shohet, ritual slaughterer, was examined and he did not know the laws of Shehitah. He had a permit (kabalah), however; may one eat the meat and are the utensils in which the meat was prepared permitted to be used?

Digest of Answer:
(1) Isserles, based on Agudah (Alexander S. Katz) and Rashbo (Solomon ben Aderet) whose comments are found in Yore Deah, Section 1, permits all meat and utensils used. The TaZ
prohibits it and is based on Tosafot, Hullin 3b. The condition of the Mikvah and of the Shohet in our case can be compared and are very similar.

(2) Reischer concludes that there is a difference because only the knife of the Shohet requires examination as does the Mikvah, but not the slaughterer himself, who was in possession of a valid permit. Shehita is only improper where the Shohet has no permit, therefore, in our case the meat and utensils are permitted.

Digest of Question:

A wealthy man had a stipulation in his will that one of his sons should receive more than the others if he would deliver a discourse at the local Synagogue. The brothers, however, refused to give him more because they claimed that his speech was not good and that what he said seemed to have been copied from others and was not his own.

Digest of Answer:

(1) One should try to help the learned brother (honor of Torah), even if his brothers would not recognize him as well versed. The mere fact that his brothers felt that it was not a good speech has no bearing on the case, because one can never
please all. His father demanded only that he speak publicly in
the Synagogue, not that it should be well presented or on a spec-
ial subject. Furthermore, we do not normally expect a deep or
difficult discourse, as is obvious from Talmud Babli, Kidushin
(al menat sheani Talmid) see Rashi there, also Maimonides,
Hilhot Ishut, Section 8, as well as Tur, Eben Haezer, Section 35.

(2) As for the accusation, that the brother used material
of others, if there are two witnesses to this, it seems to be a
violation of the father's intent. And even if the father in-
tended to have his son say a speech of someone else, this is a
sin and deserves punishment rather than reward. Again, if the
father just wanted his son to preach so as to instill confidence
in him and so that he would lose his stage fright, although the
discourse would not be his but his father's. In such a case,
the brother who wants a larger share of the inheritance would
have to bring proof, establishing such intentions, since the
property is now in the hands of all heirs on an equal basis.

(3) Furthermore, even if we were certain of such inten-
tions by the father, we would not change the regular inheritance
procedure because of it, as is explained by Rosh! (Rabbi Asher)
Responsa, Section 84, Note 4, also quoted in Tur, Hoshen Mishpat
and Shulhan Aruk, Section 281, as well as in the Responsa of
Abraham Sasoon, #124.

(4) Finally, since there are no witnesses in this case,
but only the opinion of the other brothers, the will of the father
must be carried out and we cannot believe the brothers. No oath
is required, but one can use the ordinary ban (cherem) to ascertain
the truth, or give the learned brother a test to see whether he is able to prepare a sermon or not. If he is able, he should receive his reward.

G. Shebit Ya'akov, Vol. III, Teshubah 45

Digest of Question:

Is it permitted to remove the hat in the Synagogue to honor a visiting ruler or prince, even if one would be standing bareheaded?

Digest of Answer:

1) The prohibition of bareheadedness has no foundation in the Talmud, only Maimonides in Hilhot Tefillah, Section 5, Note 5 writes that one should not recite the "Standing Prayer" bareheaded. The Bet Yoseph (Caro) in the name of the Kolbo (author unknown) who also quotes Maimonides indicates that this custom is extra piety (midat hasidut). Since it is only special piety, Reischer claims, one can dispense with it for living in peace with the ruling power (shalom malhut), especially since those who are stricter base it on the Zohar where it is emphasized only in connection with the morning prayers and Tallit and Tefillin, but no other time.

2) Furthermore, the Respona of Maharshal (Solomon Luria) #72 permits even praying and the reading of the Shemah bareheaded.
However, the proof of the Maharshal is weak and the TaZ adds another objection, namely the imitation of gentiles (Hukat Hagoi).

(3) Therefore, for the sake of peace it is permitted, but if it is possible to explain to the ruler that this act is against Jewish tradition, and if this explanation could avoid the removal of the hats, this would be preferable.

H. Shebit Ya'akov, Vol. III, Teshubah #75

**Digest of Question:**

If a man is so seriously ill that most Doctors believe he will die in a day or two, may one administer a drug which might cure him or perhaps shorten his life to a few hours?

**Digest of Answer:**

(1) Since here is a question of life and death, extreme caution is necessary. It would also appear that one should not interfere, since it is so close to the end of life as is explained in Ebel Rabati, also called Semahot (one of the smaller tractates, appended to the Talmud Babli). Maimonides and all other legal authorities (Poskim) agree that interference with a deathly sick person is like murder.

(2) However, all this should not apply if the interference
is based on an attempt to save his life. Proof for this is in Talmud Babli Abodah Zarah, p. 27b, where even a heathen is permitted to heal a Jew in such a condition. Further proof is found in Ramban Torat Ha'adam, p.114a and Maimonides Hilhot Rozeah as well as in Tur Yoreh Deah, Section 155.

(3) The attending physician, however, must consult with other doctors of the city and abide by the majority opinion and also have the agreement of the wisest authority in the city.

I. An Example from the 16 Responses of Reisheer at the End of the Torat Hatat Prague 1589, Teshubah #14

Digest of Question:

Meat which froze in the water in which it had been soaked prior to salting and remained in this state several days, must one prohibit it or not?

Digest of Answer:

(1) If it was lying in ice for three days it is prohibited, because if we consider the ice like water it is bad (even one day prohibited) and if we rule ice not to be like water, then it is unfit as well (after three days).

(2) But even if it remained in ice for less than three days, we must consider ice as a hardening factor on the meat and worse than cold water which is permitted for soaking meat. The
Responsa of Rashba (Solomon b. Aderet) also mentions that one cannot salt meat which is frozen, since the salt cannot get at the blood in such a case. The Maharshal (Solomon Luria) also agrees with this opinion.

(3) However, since I have not seen this prohibition (Reischer) of ice before three days with any other legal authority (Posek), and since the prohibition of three days without salting is only a Gaonic decree (humrat hagonim) and not found in the Talmud, therefore, we do not have to add to the severity of the decree. Furthermore, in the Responsa of Abraham Sasoon and in the ShaK the lenient opinion is preferred.

(4) To consider it like water and to prohibit the meat because of soaking is not logical, since only water, salt or brine are mentioned and not ice. Added to this must be the reason that soaking makes meat unfit because it is considered like boiling, with water entering and leaving the meat, which is not the case when lying in ice.

(5) This lenient opinion is supported by the Nordecai (Mordecai b. Hillel Ashkenazi) to Betzah, Perik 2; the B'er Shebah (Issachar Ber b. Israel Lizer) p. 74; and also in the Responsa of the Masat Binyamin (Benjamin Aaron b. Abraham Solnik) Section 104 in connection with Agunah, where the point is made that ice preserves and does not change the fabric.

(6) However, even after three days, when the meat is prohibited, it refers only to the boiling of it, but roasting the meat over the open fire is permitted.
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