Jewish Religious Leadership

Image and Reality

Edited by Jack Wertheimer

Volume 1

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Colon in Mantua, or a traveling mohel like Yehiel Nissim, whether to Dorina of Empoli for \textit{ma'asser}, or to an older sister or aunt or neighbor for a question about the preparation of a food or the words of a song. But for all that, membership in these less easily identified communities did not require the guidance, support, or even existence of local, official, appointed, or elected leaders. There were quite a few people willing and able to lead—to lead services in the chapels they set up in their homes, to take the lead in making charitable donations.

The absence of institutionally recognized leaders, therefore, does not suggest that there were not Jewish communities. So too, the use and appropriation of the term \textit{rash} or \textit{capo} should not mislead us into a facile identification of that man as a leader, or into the assumption that the Jews who lived in that city or town or region felt themselves to be a local community. And while the nature of religious leadership of individuals who did make names for themselves may remain the more important topic of this volume, the leadership of more ordinary people also begs to be studied.

\section*{Rabbis Without a Function?}

The Polish Rabbinate and the Council of Four Lands in the Sixteenth to Eighteenth Centuries

Adam Teller

There can be little doubt that the rabbinate was one of the central institutions of Jewish society for a great deal of its history. However, despite their importance for the religious and intellectual development of Jewish life, rabbis have not always assumed social (as opposed to spiritual) leadership roles, often leaving these to prominent Jewish lay figures. Moreover, tension between the rabbinical and lay leadership has been significant, particularly in Ashkenazic Jewish life, almost from the earliest days of community development in Europe. The development of a lay leadership in the medieval community was based on the halachic innovations adopted by leading Ashkenazic scholars to underpin community administration—particularly granting the communal leadership the status of a court. On the other hand, the halachic foundations of community

\begin{itemize}
\item The initial research for this paper was conducted during my period as an E.E. Urbach Fellow of the Memorial Foundation for Jewish Culture. The final version was completed during my period as the Nancy and Laurence Glick Fellow at the Center for Advanced Judaic Studies at the University of Pennsylvania. I should like to thank both institutions for their support. This study forms part of a broader project dealing with the history of the Polish-Lithuanian rabbinate in the sixteenth to eighteenth centuries. Many of the conclusions I adumbrate here will be presented more fully when I conclude that project. I should like to thank Dr. Rahel Manekin and Dr. Kenneth Moss for their helpful comments on the text of this paper.


2. M. Elon, "Ways of Halachic Creativity in Solving Social and Legal Problems in
life also posited the assent of an “important individual” or scholar, which would be necessary to validate the lay leaders’ decisions. Though ideally lay leaders and the rabbi were meant to cooperate, in practice the two were often in competition, with one or the other usurping de facto control of the communal leadership. For example, after a period of rabbinic domination of communal life following the Black Death, a period of rabbinic decline has been identified by Breuer and Yuval in the fifteenth century. They argue that its roots are to be sought in the rise of a self-confident lay leadership and the general crisis which overcame German Jewry with the wave of expulsions which marked the end of the Middle Ages.

The concentration of Ashkenazic Jewish life in Poland beginning in the sixteenth century led to a whole string of new developments and changes in communal life (among other spheres) which left their mark on rabbinic-lay relations. On the back of an impressive wave of demographic expansion among Polish Jewry, community sizes began to grow, and new communities were founded. Polish Jews enjoyed a much greater range of economic activities than had their ancestors in medieval Germany and soon found themselves an integral part of the economic life of the cities where they lived. Of particular importance here were the economic roles they filled in the service of the Polish nobility, particularly the highest rank of magnates. The Jews’ increased wealth gave them added importance as taxpayers on both the national and local levels. Organizations of the Community (Hebrew), Zion 44 (1979): 241-64; S. Morcell, “The Constitutional Limits of Communal Government in Rabbinic Law,” Jewish Social Studies 33 (1971): 87-119.

tax instituted in that year. Though the Council never received official recognition in the form of a founding privilege or document of any kind, it was recognized de facto by the Polish treasury as the body responsible for the division of the Jewish poll tax burden among the various communities, even after the elders themselves had ceased farming it. On the basis of this recognition, the Council began to meet regularly and even to legislate on social and economic issues which affected Polish Jewry as a whole.

Though this was undoubtedly a lay body, rabbis seem to have been involved in its running, directly and indirectly, throughout its long history (it was abolished in 1764). While the nature of this involvement has not yet been fully clarified, the following may perhaps represent the best expression of the present state of research:

Serving both as an appellate court and as a legislative body, the Council of Four Lands was, as it were, a bicameral institution with a (lay) parliament and a (rabbinic) tribunal. The two houses worked closely together, with the parliament suggesting issues which were framed into legislation in accordance with rabbinic law by the tribunal and then executed by the parliament.

Like the sources on which it is based (see below), this short and rather idyllic description seems a somewhat idealized picture of the historical reality. However, reexamination of these and other sources should make it possible to reach a rather more nuanced understanding of the fluctuating and sometimes ambiguous relations between rabbis and lay leaders within the Council over the 184 years of its existence.

13. Cygielman, "Jews' Involvement," clearly appreciated this fact, though he attempted to read into the sources a formal agreement between Jews and nobility over the question of farming the tax. He claimed that it was this agreement which led to the foundation of the Council and its ability to farm the poll tax. Unfortunately, the sources do not support his reading.

Only two contemporary sources describing the rabbis’ role in the Council are extant, and their authors were neither rabbis nor Council members. The first was written by Nathan Neta Hannover in 1652 as part of his elegy for Jewish life in the wake of the Chmielnicki massacres. He includes it in his description of Jewish life before the massacres, perhaps surprisingly, in the section entitled “The Pillar of Justice,” thus indicating that in his view the primary function of the Council was to administer justice. After describing the wide availability of Jewish courts throughout Poland, he goes on: “If two important communities had a dispute between them, they would let themselves be judged by the heads of the Council of Four Lands ... who would be in session twice a year. One leader would be chosen from each important community; added to these were six great scholars from the Land of Poland, and these were known as the Council of Four Lands.” He describes the Council as akin to the Sanhedrin, with “the authority to judge all Israel in the Kingdom of Poland, to establish safeguards, to institute ordinances, and to punish each man as they saw fit.”

This description is problematic in a number of ways. First of all, it privileges the Council’s role as court above its undoubtedly more important fiscal role in this period as lessee of the Jews’ poll tax. Beyond that, though the description of the Court is borne out by other sources, the account of the Council’s jurisdiction is not accurate. While the Council did have a legislative role in Polish Jewish life, its regulations had no authority of their own and had to be accepted by each local community before they were binding on individual Jews. Finally, the description of the Council’s composition is at variance with the other sources. Far from being composed solely of leaders from the great communities, together with six rabbis, the Council was made up of representatives sent from the various regions of Poland. Each region was called in Hebrew, medinah “state,” galil “region,” or eretz “land,” and it was from the meetings of representatives from these four regions that the Council received its name. The question of separate representation for the great communities in each region (Poznañ in Great Poland, Krakow in Little Poland, and Lwow in Ruthenia) was a source of contention within the regions, with each one adopting different policy. In addition, as may be seen from the signatories of the various Council documents which have survived, there was no stable rabbinical representation on the Council before 1648.

The problematics of Hannover’s description raise the question as to how it was that he presented such an inaccurate picture. While there can be no conclusive answer to this question, there do seem to be a number of possibilities which might explain his approach. The first is concerned with the genre and literary structure of the text itself. The author may have been less concerned with the accuracy of his description than with portraying the institution in the way he felt would bring most honor to the suffering Jews of Poland. Beyond this, the problems with the description may also have been caused by ignorance: Hannover was from a mercantile family in Zaslaw in the Ukraine, and though we know that he had traveled for a time, making money as a preacher, there is no evidence that he ever took part in one of the Council meetings. His description may simply have been the result of hearsay and invention. Be that as it may, Hannover’s text is clearly not a good source for understanding the structure and functioning of the Council, not to mention the rabbis’ role within it.

The second description of the Council’s activity was written by the memoirist Dov Ber Birkenthal of Bolechow more than a generation after the Council was abolished and seems a little less problematic than Hannover’s. In the section where he describes the


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changes which the 1764 accession of King Stanislaw August brought to the Jewish community (most importantly, the reorganization of the Jewish poll tax), he mentions the fact that the Council of Four Lands was abolished in that year. He writes:

The Elders of Four Lands used to convoke deputies elected in all the communities of the four Polish provinces and appoint wise men to estimate the capacity of each community to pay taxes. Great Rabbis also conferred with them in order to draw up regulations in accordance with Jewish law ... which were accepted by the communities like the Torah, and were called "The Books of Regulations of the Four Lands." I saw these books printed when I was still a child. The Rabbis-Judges always sat [in judgment] in their court beside the Elders and Leaders of Four Lands. Every important legal affair in the communities of Poland was brought before this rabbinical High Court. This wise institution ... lasted for 800 years or more.

Birkenthal concludes that the Council had been for Polish Jewry "... a measure of redemption and a little honor," given by God's grace.

Birkenthal's description chimes much better with the reconstruction that can be made from the other available sources. He emphasizes the fiscal role of the Council, accurately noting that it no longer farmed the poll tax but simply divided it among the various communities. He mentions the rabbinical high court which sat alongside the Council to try matters of "great legal importance," though he does not define what they might have been. Beyond that, he states that the "Great Rabbis" (again undefined) conferred with the Council to make regulations, which would have force of law for all the Jews of Poland. Here there seems to be a basis of truth in what he says, though he may have exaggerated the Council's jurisdiction. There is no evidence of the Council's rulings having been printed, and they were certainly never viewed in the same light as the halachic literature studied in the yeshivot. Finally, Birkenthal's genealogy of the Council is clearly mistaken. All the evidence points to its having been founded in 1580, making it a "mere" 184 years old at its dissolution. This seems a clear example of Birkenthal allowing his concept of "Jewish honor" to color the way he described this central Jewish institution.

Thus in order to understand the way the Council functioned in the historical reality of its day, and particularly to understand the relations between the lay and rabbinic leaders within it, it would seem to be more valuable to examine sources drawn from among the working papers of the Council itself. This is not as easy as it sounds, since the original pinkas which contained all the Council's rulings has been lost. In 1945, Israel Halperin published what he called Pinkas va'ad arba' arasot, but the title is misleading. The work contains every fragment of information concerning the Council and its functioning which he could find in any possible source; he saw their publication in a single volume as an attempt to reconstruct the original Pinkas. There are three main sources of documents in the book: regulations in local pinkassim copied from the Council's pinkas, materials published in rabbinical texts, and documents drawn from non-Jewish archives. It should be noted that though Halperin's knowledge of the pinkassim and Polish rabbinic literature was prodigious, he had only limited access to non-Jewish archives—particularly bearing in mind that he was working on the volume in Jerusalem in the late 1930s and early 1940s! In addition, as a part of his attempt to reconstruct the Council's activities from such fragmentary evidence, Halperin adopted quite a liberal editorial policy, including many documents which shed light on the nationwide activities of Polish Jewry even when, strictly speaking, they were not issued by the Council itself.

This problem is particularly evident where Halperin includes in his publication of the Pinkas, see I. Barral, "The Pinkas of the Council of the Four Lands," in The Jews in Old Poland, 110-118.

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22. There are three main sources of documents in the book: regulations in local pinkassim copied from the Council's pinkas, materials published in rabbinical texts, and documents drawn from non-Jewish archives. It should be noted that though Halperin's knowledge of the pinkassim and Polish rabbinic literature was prodigious, he had only limited access to non-Jewish archives—particularly bearing in mind that he was working on the volume in Jerusalem in the late 1930s and early 1940s! In addition, as a part of his attempt to reconstruct the Council's activities from such fragmentary evidence, Halperin adopted quite a liberal editorial policy, including many documents which shed light on the nationwide activities of Polish Jewry even when, strictly speaking, they were not issued by the Council itself.

23. Pinkas va'ad arba' arasot: Likkutei takkonot, ketovim ve-rehumot (PVDA), ed. I. Halperin (Jerusalem: Mosad Bialik, 1945). In 1991, I. Barral issued a slightly revised edition of the body of this work, intended as the first part of a multi-volume publication of an expanded collection of sources. Unfortunately, the other volumes have yet to appear.

his version of the *pinqas* documents dealing with the activities of what Hannover and Birkenthal describe as the rabbinical High Court. In fact, there is evidence that a rabbinical court of Jewish luminaries from all over Poland had met sporadically at the great fair of Lublin for decades before the Council's foundation. Moreover, it would seem that this court continued to function quite separately from the Council in the early years of the latter's existence. Halperin argues that the court was in some way a forerunner of the Council, using its existence to date the founding of the Council to before 1580. However, this argument is based on an unstated premise: namely, that the Council's primary function was within Polish Jewish society and that its financial function vis-à-vis the Polish treasury was secondary to that. This supposition, however, ignores the fact that it was only the Council's financial function, which began with the Jews' leasing the new poll tax in 1580, and the de facto recognition which this function brought from the Polish authorities, that gave the Council its authority over Polish Jewry—an authority lacked by the previous rabbinical courts.

In fact, examination of the extant documentation from the period 1580–1648 reveals that the long-established rabbinical court was not very active in intercommunal affairs in that period either. Rabbis from all over Poland still traveled to the great fairs, some to do business and others to attract students to their yeshivot (and also perhaps to purchase books imported from abroad);27 while there, they continued to sit as a rabbinical court to deal with issues either arising from the fair itself or brought before them by visitors. These leading rabbinical judges were referred to in documents as the "Geniuses" or "Wise Men" and "Heads of yeshivot".28 As far as the Polish communities were concerned, they dealt with just a few cases arising from boundary disputes between rival communities.29 Nonetheless, there is no evidence that, in the period following the Council's foundation, they formed an elected or chosen group, representative in any way of the Four Lands. Moreover, the Council itself had its own judicial body, "the Judges of the Lands," who were chosen by the various provinces but do not seem to have been community rabbis.30 The only hint that remains of an elected rabbinic body is from the approbation given to the prayer book of Shabbat Sopher in 1618. It reads, "During the spring fair of 1610, chosen individuals from among the Wise Men [i.e. rabbis] sat with the Leaders of the Lands and ruled that each community should check one prayer book from which the Cantor will pray and then should order that each householder check his prayer book against that one.31" The issue was the important one of ensuring that prayers were said accurately and according to accepted custom. Though this was an issue which occupied the rabbis, it is noteworthy that they did not legislate on their own authority, preferring to rely on the lay leadership. The language used to express the "choice" of the rabbinic figures is not clear: "chosen individuals from among the Wise Men" might indeed refer to some kind of elections or appointments made by the individual.

27. Hannover, *Sefer Yavein Mezuah*, 86–87; PVDA, 24–25 no. 78. On the problems involved with the import of books see ibid., 7 no. 17, 17 no. 55; perhaps also 438 no. 466. No. 40 on p. 14 describes "many packages of decrees and writings" concerning a divorce case received at the Lublin fair by Rabbi Meir of Lublin.
29. PVDA, 30 no. 90, 36–37 no. 101. No. 109 on pp. 41–42 is a ruling concerning the division of expenses between Poland and Lithuania made by a court consisting of two Polish rabbis and one Lithuanian. Cf. also 60 no. 149.
30. PVDA, 9–10 no. 29. This did not mean that they could not be important rabbinic figures. At least two of those elected to be judges in this year headed their own yeshivot, while others were authors of rabbinic works.
31. PVDA, 33–34 no. 95, brings a ruling by the Judges of the Lands concerning brokerage fees. The document contains no mention of the rabbinic authority or status of the judges. Their names, too, do not appear, which seems another sign that they were not prominent figures. It should also be noted that the vast majority of the judges serving in the community courts were educated laymen. It was the rabbi's job, as President of the Rabbinical Court, to head the first such court. However, he sat in judgment with judges elected by the community; the lower community courts were staffed entirely by elected laymen. In Kraków, the community courts were composed entirely of lay judges. See M. Bataban, "Die Krakauer Judengemeindeordnung von 1555 und ihre Nachträge," *Jahrbuch der Jüdisch-Literarischen Gesellschaft in Frankfurt a.M.* 10 (1913): 313–17, 323–24, 331–33.
regions; however, it might equally refer to the rabbis’ having being chosen on an ad hoc basis by the lay leaders of the Council.

In other cases when rabbinical rulings were adopted by the Council, it indeed seems that the rabbis who made them either worked independently of it or were specially invited to deliberate on its behalf. There is no evidence of a stable, elected body. For example, the Council issued rabbinic regulations outlawing the purchase of rabbinical posts in 1587, 1590, 1597, and 1640. The 1590 ruling was signed by 30 of Poland’s most important rabbis, who were designated in the Yiddish document simply as “thirty rabbis.”

Twelve rabbis signed the 1597 decree without any official title, and the 1640 text states that the Volhynian rabbis who came with the proposal to renew the regulations sat with “many yeshiva deans who had met at the fair” and reached an agreement to do so. This is hardly the language of an officially recognized body, and it is difficult to imagine that the rabbis (like other leaders) would have omitted an official title had they been able to use one.

In 1607, leading Polish rabbis met to discuss how to enable Jewish merchants in need of credit to borrow money, despite the Biblical prohibition against charging interest. These regulations, too, were adopted by the Council, and in his introduction to them, Rabbi Yehoshua Falk Hacohen described the events leading up to their formulation. The leaders of the Council, he wrote, concerned at the Jews’ poor situation in Poland, felt that it was the result of religious infractions in the field of credit, among other things. “They decided to regulate these matters” and chose Rabbis from the Great Communities to make the regulations … with each Council leader committing himself to ensure that in his province all the regulations would be kept.” Once again, Falk was not describing an official body functioning within or alongside the Council, but an ad hoc committee, summoned by the lay leaders, who even had to make special provisions to give its regulations force on the ground.

Of course, these sources do not rule out the possibility that rabbis did sit as part of the Council in a purely honorary capacity without any jurisdictional power. This seems unlikely, however, in light of a letter written to the Council elders by a prominent rabbi of the early seventeenth century, Rabbi Yoel Sirkes. This letter complains very sharply that the Council’s lay leaders had dared to impose a berem which could affect members of all the communities in Poland. Sirkes writes: “Who gave you permission to issue a general berem without the agreement of the great wise men [i.e. the leading rabbis]? Even though you are elected delegates from all the communities in the Kingdom, your berem may be quite worthless.” He adds that since the Council had met in Lublin, the leaders should at least have consulted the local rabbi before making the ban. Had rabbis from the four lands been sitting on the council, even in an honorary capacity, it is unlikely that Sirkes would have complained about the validity of the berem—and he certainly would not have suggested consulting the rabbi of Lublin.

This letter is also evidence of conflict between the lay and the rabbinical leadership over jurisdictional powers, indicating that the elders had usurped from the rabbis the use of the berem. This was anathema to the rabbinic leadership, who viewed the right to impose the berem as their monopoly. There were a number of reasons for this: first, since the berem was a clearly religious punishment whose effects would continue to be felt in the next world, they felt that they were clearly the only authority competent to impose it. In addition, the berem (or at least the threat of its imposition) was the rabbis’ major source of authority within Jewish society; once it was ceded to...
the lay authorities, the rabbinate as a social institution would be severely weakened. This was the reason for Sirkes's anger at the lay leaders' temerity in imposing a berenem on their own authority.

However, despite this letter, penned by one of Poland's leading rabbinic figures, later sources indicate that Sirkes's demand was not always heeded. Council elders continued to issue bans on their own authority alone. The notable ban on the Sabbatean heretics in 1672 is a case in point. It opens: "The Generals, Officers, Barons, Leaders of the Four Lands make announcement in this declaration that the great and terrible berenem ... which was imposed during the Lublin fair of 1670 should include the criminals and ne'er-do-wells who form part of the Sabbatean sect." The text makes no mention of rabbis taking any part in the proceedings; even the four signatories to the berenem are all lay leaders. Rabbis clearly had no place on the Council of Four Lands.

It would probably be wrong to argue simplistically that since the rabbis were unrepresented on the Council, their status must have been at a low ebb. This was not the case, at least as far as the prominent rabbis were concerned. The period from the 1580s to 1670 saw the flowering of Polish Jewish scholarship in the form of such rabbis as Mordechai Yaffe, Yehoshua Falk, Yovel Sirkes, Yom Tov Lipman Heller, and David ben Shmuel, author of the Turei Zahav, all of whose works made a significant and lasting impact on Torah study. In fact, the immense personal prestige of these men may have led to no need being felt for an organized group of rabbis to work with the Council on a regular basis, since they did not lack ways and means of influencing the social development of Polish Jewry in these years.

The major thrust of rabbinic creativity in Poland during the late sixteenth and early seventeenth centuries was in the composition and publication of codifications of the halacha. As many scholars, particularly Elhanan Reiner, have argued, this was a form of accommodation with the printing revolution, then affecting European Jewish society. The wave of literature engulfing the Jewish world thanks to the printing press made it an urgent necessity to establish an authoritative halachic text which would act as a baseline for following halacha in daily life. Though the Skul随便 Arkh, written by the Sephardic Yosef Karo with the glosses on Ashkenazic custom written by Moshe Isserles of Kraków, was eventually accepted as authoritative, this was not a foregone conclusion in the period under discussion here. Other leading rabbis, such as Shlomo Luria and Mordechai Yaffe, produced their own codifications in quite different form from that of Isserles. Yaffe explains his motivation thus: "Afraid that I should be buried naked [i.e. without good deeds], I decided ... to dress myself in a new garment and to cover my nakedness, and that of each rabbi and religious functionary of my generation who does not want to go naked. I made this book for myself and my generation, calling it in general, Levush malkhut [A royal robe]." Yaffe's book, then, is a halachic compendium written by a leading rabbi with the goal of strengthening the control of ordinary rabbis over the daily life of the simple Jews living in the communities.

Another expression of rabbinic influence in these years was the traditional form of the rabbinic responsum, which saw a great flowering in the sixteenth and seventeenth centuries. The responsum was usually a letter sent by one rabbi to another in which advice was sought in a case where a halachic ruling was not obvious. This meant that the situations described in the letter were ones with which the local rabbi, who sent the responsum, were unfamiliar. In the period of the sixteenth and early seventeenth centuries, which saw a whole series of radical changes in the Jews' social and economic lives, the range of unfamiliar situations which had to be dealt with was huge. It would seem that the leading rabbinic authorities were sought out by the local rabbis, who needed advice on issues...
arising out of the Jews' new social organizations and economic activity. Relations between the individual and the community as well as between established communities and newly founded satellite communities, trading partnerships between Jews and non-Jews, the granting of credit between Jews, and acceptable forms of competition in business were all dealt with in this extensive literature. Though each responsa dealt with only a single case, once written it served as a legal precedent, influencing the course of Jewish life in that field for generations to come. In addition, with the advent of printing, once the responsa were published, they became available to rabbis and communities far distant from those for whom they were originally intended, giving their authors an enormous influence on Polish Jewry's social and economic development. 

There may also have been another way in which prominent rabbis could spread their influence far beyond their local community without the help of the Council. Though not a clearly documented phenomenon, there is some evidence to suggest that leading rabbis would compose sets of regulations dealing with important issues in order for them to be adopted by various communities and regional Jewish bodies. This seems to have been the case in 1607, when Rabbi Falk's formulation of regulations concerning the granting of mercantile interest between Jews was adopted by the Council. There may also have been another, earlier case where a leading rabbi formulated such regulations for adoption by various communities.

These regulations were composed by Rabbi Meshullam Feivish of Kraków at the turn of the seventeenth century, though the exact date and circumstances of their composition remain a mystery, solutions to which have been proposed by a number of scholars. A study of the way this literature dealt with the social and economic issues of the age, see Fram, Ideals Face Reality.

The regulations were first published by Isaiah Sonne, who found them in manuscript in the Rome Talmud Torah. They were reprinted by Halperin in PVDA, 483–88, no. 322, with a short discussion in which he casts doubt on their ascription to the Council. Ben-Sasson discusses them in an article on regulations for keeping the Sabbath. Finally, Feldman returns to them in order to solve the mystery of their composition. See L. Sonne, "The Regulation Forbidding Sabbath Work Composed?" (Hebrew), Horev 2 (1933): 237–46; H. Ben-Sasson, "Regulations Forbidding Sabbath Work in Poland and Their Social and Economic Significance" (Hebrew), Zion 21 (1956): 183–206; E. Feldman, "Where and for Whom Were the Rabbi Meshullam Feivish's Regulations Forbidding Sabbath Work Composed?" (Hebrew), Zion 34 (1969): 90–97.

A close reexamination of this text should not only solve the mystery of the text but help understand the spread of rabbinic influence in this period. The uncertainty about the text is aroused by the title and colophon given to it. The title states in clear Hebrew that these regulations were composed by Meshullam Feivish, Rabbi of Kraków, while the colophon, whose script and wording are not entirely clear, suggests that the regulations might have been composed by a meeting of rabbis during the fair of Lublin in 1590. A further complicating factor may be found in the introduction to the text, which reads in part: "I composed regulations about it [i.e. the means of keeping Shabbat] with the necessary fines and punishments in the Excellent Holy Community of May Our Rock and Creator preserve it." Obviously the name of the community, which should appear between the words "of" and "May," is missing. Scholars have assumed that this was due to a copyist's error and proposed different means of deciding which community it should have been, with Kraków or Brzesc (both communities where Feivish served) obvious choices. The questions arise, then, of who composed the work, in what framework it was composed, and for whom it was meant.

The answers seem to be supplied by a parallel text of regulations dealing with the ways in which leaseholders should keep the Sabbath. According to its introduction, this second text was drawn up by the leaders of the Włodzimierz community in Volyn, together with their rabbi, and representatives from smaller communities in the immediate region. It is dated 17 February 1602. However, a close examination reveals that the regulations themselves are extremely closely based on Feivish's text. The same issues are dealt with, in the same order, and with almost the same language. Clearly, the Włodzimierz leaders had before them a copy of the earlier regulations, which they copied down with a number of slight alterations in order to suit local conditions. The fact that they changed the introductory paragraph, omitting Feivish's name and giving the

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46. For a study of the way this literature dealt with the social and economic issues of the age, see Fram, Ideals Face Reality.
47. The regulations were first published by Isaiah Sonne, who found them in manuscript in the Rome Talmud Torah. They were reprinted by Halperin in PVDA, 483–88, no. 322, with a short discussion in which he casts doubt on their ascription to the Council. Ben-Sasson discusses them in an article on regulations for keeping the Sabbath. Finally, Feldman returns to them in order to solve the mystery of their composition. See L. Sonne, "The Regulation Forbidding Sabbath Work on the Sabbath and Festivals Made by Rabbi Meshullam Feivish in Kraków" (Hebrew), Horev 2 (1933): 237–46; H. Ben-Sasson, "Regulations Forbidding Sabbath Work in Poland and Their Social and Economic Significance" (Hebrew), Zion 21 (1956): 183–206; E. Feldman, "Where and for Whom Were the Rabbi Meshullam Feivish's Regulations Forbidding Sabbath Work Composed?" (Hebrew), Zion 34 (1969): 90–97.
48. Sonne and Halperin lean toward Kraków as the missing community, Feldman toward Brzesc.
49. Sonne and Halperin lean toward Kraków as the missing community, Feldman toward Brzesc.
50. This text was published by Ben-Sasson, "Regulations."
impression that they had composed the regulations themselves, should not, however, deceive us as to their original authorship. These are clearly Feivish’s regulations copied by the Włodzimierz community for its own use.

This fact suggests that the name of the community previously thought to have been omitted from the Feivish regulations by a scribal oversight might never have been there at all. This would have been because Feivish composed the regulations in generic form to be copied by whichever community wanted them and left a blank in his introduction to add the relevant community name. The Włodzimierz leaders preferred not to “fill in the blank” but to compose their own introduction to make the whole document more suitable to their own needs. This hypothesis as to the generic nature of the original text is supported by a set of Sabbath regulations composed over half a century later by Rabbi Leib Pohovitzer, who claims that he based his text on Feivish’s, adding: “And I found a copy of those regulations, quite long—according to the needs of that time [i.e. of Rabbi Feivish]—in the possession of various prominent individuals and great men of Israel. I copied them in a short version. It would have been interesting to check the manuscript copied by Sonne to see whether there was a literally a blank here. His papers are now kept by Yad Ben Tzvi in Jerusalem. I checked them, but unfortunately there was no trace of the manuscript in question.

The parallels between paragraph 17 in Feivish’s text and paragraph 20 in the Włodzimierz text are also instructive. The former (PVIDA, 487) reads: יד אשה בשעת אשה בכל אש קידושי השם משמעת לחם להשלותmatic תרוש הלחם והלחם ומעט למשמעת המצות. The second version is identical: הלחם והלחם ומעט למשמעת המצות, The latter (Ben-Sasson, “Regulations,” 206) is almost identical to that of Sonne, but Sonne was the first to insert the phrase נוכרים הבשמה נוכרים. The latter reads: יד נוכרים הבשמה נוכרים תרוש הלחם והלחם ומעט למשמעת המצות. The second version is clearly a copy of the first with only minor changes. However, the opening words demonstrate significant differences. Feivish wrote: "It also ruled that the Beadle of the Holy Community of should go ..." while the Włodzimierz leaders wrote: "We also ruled that in all the communities the Beadle of the Holy Community should go ..." The Włodzimierz leaders clearly changed the opening words to suit the regulation to their needs but left the next phrase, in which Feivish had left a space for inserting the community’s name, because in their formulation it read nicely without a specific name.

Rabbi Without a Function?

indeed copied quite widely by various rabbinic and other leaders, just as Feivish had intended. This would seem that the very prestige of the sixteenth- and seventeenth-century rabbis meant that they had no need to participate in the Council of Four Lands. It was primarily a lay body, whose leadership felt itself empowered to act without rabbinic support. It may have even discouraged rabbinic participation in its work. Though the rabbis protested sharply when they felt that the lay leadership was encroaching on their role (as in the case of the beren), they had a number of other means of influencing wider Jewish society, through halachic codifications, responsa, and regulations which were copied from community to community. Their role as judges for all of Polish Jewry was not affected by the lay body, since the great rabbinical court continued to meet at the annual fairs just as it had done before the Council was formed. The separate functioning of lay and rabbinic leadership may indeed have been a matter of mutual consent.

This changed, however, in the next generation. From about 1670, a permanent rabbinical body, which worked alongside the lay leadership of the Council of Four Lands, seems to have been active. There is no extant documentation on the establishment of this body, referred to in almost every case as the "The Great Luminaries, Rabbis, and Teachers of Justice of the Four Lands. The reasons for its formation are unclear. It may have been an expression of Polish Jewry’s reorganization in the wake of Poland’s mid-seventeenth-century wars, or it may have been a reaction to the Sabbatean heresy. A more likely motivation seems to have been the desire of Polish rabbis to strengthen the source of their authority within Jewish society. By the late seventeenth century, with the passing of the previous generation of great scholars, the process of codifying the halacha was complete and the Shelihan Arukh with Isserles’s glosses generally accepted in Polish Jewish society. In addition, the major project of social and economic reorganization undertaken through the responsa literature...
was also very well advanced, with the major precedents already set. The rabbis in this period may well have felt the need to buttress their personal influence with an official post. The stability of its title, as well as the fact that it often appeared in parallel with that of the lay leadership, “The Generals, Officers, Barons, Leaders of the Four Lands,” would seem to indicate that the rabbinical body was now a permanent and recognized part of the Council.

One of the new body’s main functions seems to have been as the Council’s permanent rabbinical court. It continued to fulfill some of the functions of the previous rabbinic court, ruling on a number of intercommunal boundary disputes. In addition, it became involved in various other cases, such as the rabbinic scandals in Przemysl and in Lwów, where communities tried to remove rabbis who had purchased their posts for large sums. Membership in the court gave the community whose rabbi was involved much power and influence, so communities were anxious to be represented on it wherever possible. Those already sitting on the court were interested in preserving their privileged position. Thus, in 1672, when the Tykocin community was put on probation for four years before receiving full representation on the Council, a strict condition was made that during that period “they should not consider in any way requesting chairmanship of the [lay] Council or the inclusion of their Rabbi amongst the Rabbis and Teachers of Justice of the Four Lands.”

Seats on the Council’s rabbinic court were obviously reserved for the rabbis of the established large communities alone.

Another prominent function of the rabbinic leadership of the Council was the issuing of approbations (haskamot) for books about to be published. This was not a new function—groups of rabbis at fairs in the earlier period had also issued approbations—

60. On the Council’s approbations, see Halperin, Jews and Judaism, 78-107.

but it would seem that the rabbis were now interested in achieving control over what was printed and how it was read. Thus in 1683 they issued an approbation to the book Meginei zahav, which the grandson of Rabbi David ben Shmuel had written to defend his grandfather’s work Turei zahav from the criticism of Rabbi Shabtai Hakohen. In their approbation, the rabbis not only praised the new book, but went on to order that “the rulings of the author of Turei zahav are to be accepted as they stand, despite the critique of Shabtai Hakohen.” More drastically, a few years later, the rabbis prohibited the publication of books on “other rabbinic texts.” They gave no reason for this order, largely observed in the breach, though it may have been connected with the rapid spread of Kabbalistic (and even Sabbatean) texts in these years. Here, Poland’s rabbinical leadership would seem to have been trying to use administrative powers to stamp its authority on the religious and cultural development of Polish Jewry by controlling what was read and acting as a form of censor. It was, perhaps, a sign of their weakness that their endeavors in this regard seem to have failed signally.

It is little surprise, then, that relations within the Council between the lay and rabbinical leaderships in this period seem to have been quite one-sided in favor of the lay leaders. The rabbis were called upon on many occasions simply to confirm regulations already issued by the lay leadership, whether these dealt with administrative matters, such as boundary disputes, or whether they were of broader importance, such as the 1679 order to intensify efforts to

61. R. Yoel ben R. Gad Mishebershin, Sefer meginei zahav (Prague, 1720). The approbation is reprinted in PVDA, 182-83 no. 403.

62. Ibid.: St););) n",p) ,Y::J nuw:, nlJt1IJ TnptnlJ T"13;, ,Y::J '1::J, R. Yisrael Baal Shem Tov.

63. The actual regulation banning this kind of publication has not survived. It is first mentioned in a document from 1687: PVDA, 205-6 no. 432. A reference from 1688 specifies a ban on יִדְתָר בָּשָׁם (PVDA, 211 no. 442).

64. It is interesting that the rabbis on the Council tried to revive their ban in 1727, shortly after one of the major outbursts of Sabbateanism in Brody (though the texts make no connection with this event). On the spread of Kabbalistic and Sabbatean literature in Poland in the late seventeenth century, see Z. Gries, The Conduct Literature: Its History and Place in the Lives of the Followers of R. Yisrael Baal Shem Tov (Hebrew): Meoded Bubik, (1993), 80-93. On the attempted revival of the ban in 1727, see Halperin, Jews and Judaism, 87.

The active participation of rabbis in regional and national councils was not a new phenomenon in Eastern Europe. Rabbis had played an important role on the Lithuanian Council since the sixteenth century. A fragmentary document from before 1569 describing the activity of this Council reads in part: “We appointed nine leaders of the land and three rabbis, and at every Lublin fair three leaders and one rabbi will sit to protect the common good and to ensure that no disaster or woe reach the Jewish street either from our [leaders] or from the [non-Jewish] authorities, God Forbid.” In this form of organization, the rabbis sat together with the lay leadership on a single Council, of which they formed an integral part.

Later regulations show that this form of rabbinic representation on the Lithuanian Council was a stable phenomenon, which continued during the following centuries. Interestingly, it is very close to the organizational form ascribed by Hannover to the Polish Council in the source quoted above.

However, the rabbis’ role in the Lithuanian Council was quite different from that in the Polish Council of Four Lands. The Lithuanian Council ruled that it could not meet without the rabbis’ presence, and that its regulations had to be approved by the rabbis before they would be binding on the individual communities.

While this ruling was in line with the halachic principles that underlay the Jewish communities and councils, it was strikingly absent from the regulations of the Polish Council of Four Lands. There, even when there was a recognized rabbinic body which functioned in tandem with the lay leadership, the latter did not relinquish its...
right to legislate without rabbinic participation. This would be consonant with the theory that the rabbinic body itself was founded by a generation of late-seventeenth-century rabbis who felt their influence in society was waning after the death of the great rabbinic figures from the early part of the century. On the whole, then, it would seem that the establishment of the rabbinic leadership as an official body within the formal structure of the Council of Four Lands did little to improve the rabbis’ leadership role in Jewish society.

The 1720s seem to have witnessed a further development in the role played by the rabbis in the Council. From this time, the rabbinic body, though continuing to act as a court when necessary, seems drastically to have reduced its activity. It is noteworthy that not a single document signed by the rabbis of the Four Lands as a body remains from the period between 1731 and 1751. This does not mean that the rabbis themselves were less active—quite the reverse. What seems to have happened is that the two leaderships, lay and rabbinic, merged into one body. Among those signing documents in the name of the “The Generals, Officers, Barons, Leaders of the Four Lands,” an increasing number (often three or four out of thirteen) were serving rabbis. This was not unprecedented. From the end of the eighteenth century, Rabbi Naftali Katz, first of Volhyn and then of Poznán, had been a member of the lay leadership. However, as the eighteenth century progressed, it became more common.

Moreover, rabbis also began to take on the role of financial secretaries or trustees (ne’eman in Hebrew, pisarz in Polish), which meant that they were now deeply involved in the Council’s financial administration. The reasons for this change in the rabbis’ role within the Council are probably to be found in the heavily commercialized nature of the post in the eighteenth century. This development, which had its roots in previous centuries, seems to have reached its apogee in this period. Rabbis who had had to pay large sums not only to the Jewish community to be appointed, but also to the estate-owner or starosta to receive their rabbinical license, began to milk the rabbinate to recoup their expenditure and make a good living. In addition, important families invested a great deal of effort in the political activity necessary to win the desired post for their son or son-in-law. Once the rabbi became a significant force in community politics, it was reasonable that he would sometimes be chosen as a representative on the Council. It was also logical that rabbis would want the highly influential and prestigious role of tax trustee, with all its concomitant incomes.

This development was firmly opposed by what had previously been the lay leadership of the Council. In a set of regulations drawn up in 1739 at the request of the treasury commissioner, Dzialyfiski (a sign of the importance of the non-Jewish authorities in Council affairs in the eighteenth century), the leaders wrote: “Great harm befalls the Council, because the ... community rabbis interfere in economic matters, [as well as in] the deliberations and regulations of the Lands. Though they are chosen to be the watchmen of our religion and pay no taxes ... yet they seek honors, which are due to us as the lay leadership who bear all the burdens. ... We therefore order that no rabbi now, or in the future, hold office as delegate, tax administrator, or trustee, upon penalty of losing rabbinic office and being banned from the Council.” As Goldberg points out, these regulations requested by the treasury commissioner went unheeded. During the next commission in 1753, rabbis were appointed to all three of the posts forbidden them in 1739. The outweighing of the lay leadership who bear all the burdens of the Posts, together with all its concomitant incomes, led to the Council document from before 1648 signed by Abraham Rapoport, author of Shut Eitan Ha-‘Ezrahi (Ostrog, 1797).

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constitutional considerations by the needs and desires of those with money and political clout was, of course, a problem faced not only by the Jewish Council in this period, but also by the Polish Sejm. There it was not the clerics but the magnates, each concerned with fulfilling his own needs, and some in the pay of foreign powers, that effectively paralyzed Poland's central governing body. 81

The Jewish council continued to function because it remained responsible to the Polish treasury for dividing the poll tax between the Jewish communities, but it too became terribly bogged down in procedural matters. The 1739 regulations describe the problem as follows: "Among the rabbis who come to our Council to sit in judgment and deal with other matters, arguments often break out over who is to take the chair, and until ... agreement is reached, much time is lost. The delegates, tax administrators, and other elders of the Council also actively promote their own interests in these arguments, which is sometimes detrimental to the Council.,, 82 There follows a detailed description of the order of seating, whose aim was to ensure that the senior rabbis had the seats of honor and presumably

81 The vast literature on the functioning of the Sejm in this period is conveniently summarized in J. Michalski, "Sejm w czasach saskich," in Historia sejmu polskiego, ed. J. Michalski, vol. 1 (Warsaw: P.W.N., 1984), 300-30. 82 PYOA, LV no. 57. *Między Rabbinami na nie Kongresu siedzącemi do Sądów y Spraw roznych zasiadających, często wzrusza się kontrowersyia, który ma z nich pierwsze miejsce zasiadają na tym tronie, naczyn nimi się uspokoją y ugołają wiele czasu proto gini, y przy tej kontrowersyia, Deputaci, Sym­ plaże y inni do kongresu należący Starsi, swoje promowui y wyobraża Inter­ est, czasem Generalność pracującej y mniej pożytecznej..."

The situation seems to have been little different in the Polish Sejm. The following is a translation of parts of a seventeenth-century Latin description of Sejm procedure: "The King and Senate go to a secret meeting, and the Nobility to their own conclave. There the Nobility elect a Marshal for themselves from among their Estate. The marshal presides over the assembly and moderates public debate, like a steersman at the helm of a large ship upon a rolling sea of extremely turbulent deliberations. ... No set agenda is observed here; no order of votes is fixed; but what someone wishes, he seizes the opportunity and proposes it for the purposes of debate ... it often happens that whoever has already begun to speak is shouted down by the rest. ... The proceedings are extremely delayed because the business of the Commonwealth is neglected by the majority, as discussion hastens headlong towards private concerns." See A. Pernal and R. Gasse, "Procedure in the Diets of the Polish-Lithuanian Common­ wealth: A Description by Vincent Fabricius in 1647," Parliaments, Estates and Representation 12 (1992): 109-19.

83. M. Balaban, On the History of the Frankist Movement (Hebrew), vol. 1 (Tel Aviv: Dvir, 1934), 72-81; Y. Trunk, "A Clarification of the Stance of Abraham Jonathan Eibeschuetz and Jacob Emden" (Hebrew), Zion 38 (1973): 174-78. Trunk tries to identify a clear ideological stance for Abraham Jorkowicz, but his argument does not convince.

the first voices in the discussion. The impression given by this text is that the leading rabbis were now full members of the Council's plenum simply as a function of the posts they held. That was the source of their social authority, and there was little or no need for a separate rabbinic body.

There is, however, little sign that the merging of the rabbinic and lay bodies led to significant specifically rabbinic input to the Council's deliberations. This was particularly evident in the 1750s, when the question whether Rabbi Jonathan Eibeschuetz should be banned as a Sabbatean heretic was debated in the Polish council. However, instead of receiving a clear rabbinic decision and ruling on its basis, the Council found itself embroiled in a political debate, where personal issues (including family connections with Eibeschuetz or his accuser, Emden) often decided the way the delegates swayed. 83 This prevented it from taking a clear stand on what was clearly a religious issue—even despite the fact that rabbis were now acting as full Council members. These difficulties in the Council's functioning were finally put to an end by the reorganization of the Polish tax system and abolition of the Council in 1764, a development that opened a new chapter in the political history of Polish Jewry in general and of its rabbis in particular.

In conclusion, relations between the Polish rabbinate and the Council of Four Lands seem to have developed in three stages. First, from the Council's foundation until about 1670, the rabbis had no defined function within the Council, continuing instead to function largely within frameworks which had coalesced previously. Second, from about 1670 to the 1720s (the documentation does not permit a closer dating), the rabbis formed a clearly defined leadership body, parallel to the lay leadership. Third, from the 1720s to the Council's dissolution in 1764, individual rabbis became active in what had previously been lay leadership positions, including those of tax trustees.

Though on the face of it the rabbinate might seem to have grown stronger over the years, with rabbis assuming central leadership
roles within the Council of Four Lands, the truth is more complex. The process was also one of decline: in the first period, the personal prestige of the rabbis sufficed to give them significant influence over Polish-Jewish society as a whole, without their having a permanent role in the Council; in the second, they began to derive their nationwide authority from their role as official Council rabbis, perhaps because they lacked the personal influence of the previous generation of rabbis; in the third, they derived their authority from holding lay positions in the Council, which found itself, like other Polish political institutions, in a state of near paralysis. This paradoxical strengthening of the rabbis' political power as individuals coupled with their loss of influence as rabbis would seem to reflect a shift in the source of authority in Polish Jewish life away from that based on Torah study to that based on political status (which was, in eighteenth-century Poland, drawn to a great extent from sources of power and influence outside Jewish society).\(^\text{84}\)

I should like to argue further that this process may have reflected a decline in the status not just of the rabbinic elite, but of traditional Torah study itself. This is not to say that study ceased to be of importance for Polish Jews, just that its place in their hierarchy of values declined somewhat. It is certainly true that the degrees of learning granted by the Polish yeshiva, bater and moreinu, were also largely emptied of meaning by the eighteenth century. Initially, these titles had been granted by the rabbi in his capacity as Head of Yeshiva to those who had studied under him for certain periods of time.\(^\text{85}\) However, during the seventeenth and eighteenth centuries, the titles could sometimes be granted for various other reasons, including as wedding presents or as honors to special guests in town.\(^\text{86}\) It would also seem that in these years, the titles had to be


\(^{86}\) Dubnow, Pogos ha-mishpat, no. 1004; Pogos ha-qalit tekhunim, ed. M. Nadan, vol. 3 (Jerusalem: Israel Academy of Sciences and Humanities, 1997), no. 498.

\(^{87}\) This usage did indicate that Torah study was still honored in the abstract (i.e., in the names of the titles), in practical terms it meant that the value placed on learning itself by Jewish society had undergone a decline.\(^\text{89}\)

Within society's elite—both lay and rabbinic—there were, of course, those who continued to place Torah study at the head of their value system. Reiner has described the establishment of a network of privately funded yeshivot, called kloz, in the late seventeenth and eighteenth centuries, with the aim of enshrining the importance of study in Jewish life.\(^\text{90}\) Yet, when the three major movements for religious and cultural change which developed in Poland during the eighteenth century are examined—Frankism, Hasidism, and the nascent Haskalah—all three seem to have had in common a disdain for traditional Torah learning and proposed other values to take its place.\(^\text{91}\) It was perhaps only in the conservative

\(^{87}\) Z. Farkas, Organizacja i praktyka żydowskich siedzib posadowych w okresie 1740-1772 r. na podstawie lwowski matematyczno-archeologicznych (Lwów: Naukowy Fundusz Konkursowy, 1963), 181-88, esp. 184.\(^\text{87}\)

\(^{88}\) Pogos ha-qalit tekhunim, ed. Nadan, no. 988.

\(^{89}\) Reiner, "Wealth, Social Status, and Torah Study: The Kloz in Eastern European Jewish Society in the Seventeenth and Eighteenth Centuries" (Hebrew), Zion 58 (1993), 287-328.

\(^{90}\) On the ideology of Frankism, the best survey is still Gershon Scholem, "Redemption through Sin," in his The Messianic Idea in Judaism (New York: Schocken, 1972), 78-141. On the question of study in Hasidism, see Y. Wexel, "Torah Study in Late Hasidism," in his Studies in East European Jewish Myst...
religious atmosphere of early-nineteenth-century Eastern Europe that Torah study found its way back to the very heart of Jewish religious values. Thus the fluctuating relations between the rabbis and the lay leadership on the Council of Four Lands described here may have reflected something more than simple institutional power politics. They may also have been outward signs of a deeper shift in cultural and religious values which seems to have occurred among Polish Jewry during the sixteenth, seventeenth, and eighteenth centuries.

93. I shall deal with this cultural development in greater depth in the full-length study of the rabbinate in early modern Poland I am currently preparing.