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THE TESTAMENT OF A HALAKHIST

R. Jacob Lorbeerbaum of Lissa was an eminent rabbinic authority whose prolific writings exerted far-reaching influence on talmudic and halakhic scholarship. His literary legacy includes a personal statement addressed to his children in the form of a last will and testament. As a classic expression of the ideal of talmudic scholarship this document possesses considerable historical value. A striking feature of the testament is the emphasis placed upon business ethics.

At the turn of the 19th century in Poland, in a generation rich with talmudic scholars, R. Jacob b. Jacob Moses Lorbeerbaum of Lissa stands out as an authority of exceptional renown. His commentary on *Shulhan Arukh, Yoreh De'ah* (Lemberg, 1799) established his reputation at an early date and it is by the name of this work, *Havvat Da'at*, that he became known to posterity. Both this volume and his magnum opus, *Netivot ha-Mishpat*, are fundamental texts with which no serious student of rabbinics is unacquainted.

In his intellectual pursuits R. Jacob of Lissa followed an illustrious family tradition. He was a great-grandson of Hakham Zevi Ashkenazi. His grandfather, Nathan Ashkenazi, was numbered among the coterie of "Sages of the Klaus" of Brod and his father, Jacob Moses, was rabbi of Zborow.¹

R. Jacob of Lissa's date of birth is unknown.² As a young man he lived in Stanislav and journeyed to Tisminitz to study under the aegis of R. Meshullam Igra.³ During these years he began his literary activity while attempting to support his family by business enterprise. Following severe commercial reversals he was compelled to accept a rabbinical post in the town of Monasterzyska where he founded a yeshivah. Thereafter he was appointed rabbi of Kalusz,⁴ and subsequently, in 1809, he accepted a call to become *Av Bet Din* of Lissa.⁵ After the death of R. David Tevele in 1792 the rabbinate of Lissa remained vacant for 17 years until the appointment of R. Jacob Lorbeerbaum. A community of prominence in the Jewish world, Lissa could boast of an elite group of scholars and of

the generally high level of talmudic learning attained by its inhabitants. *Havvat Da'at* at himself attests to the intellectual calibre of the community in an address in which he underscores that "here especially . . . everyone knows what is forbidden, for there is no ignorance in this place."⁶

Rabbi Jacob's association with the Lissa congregation appears to have been mutually satisfactory. The years he spent in Lissa were a period of prolific literary productivity. In communal affairs he emerged as an articulate and vigorous leader championing the cause of Orthodoxy against the rising Reform movement.⁷ Despite the high esteem in which he was held as rabbi of the community, in the year 1824, R. Jacob Lorbeerbaum left Lissa for Galicia. His sudden departure from Lissa has long been shrouded in mystery.⁸ Some scholars claimed that Rabbi Jacob's militant opposition to the Reform movement had evoked enmity within the *kehillah* and that it was this antagonism which had induced him to leave his position.⁹ Others averred that the communal leaders had expressed their displeasure with the personal life of their rabbi. The purpose of *Havvat Da'at's* journey to Galicia had been to effect there the divorce of his wife. It was said that the congregation criticized their rabbi on this score.¹⁰

Recently new sources have been uncovered which shed light on the entire episode. Several letters from R. Akiva Eger to the Lissa community regarding his colleague R. Jacob Lorbeerbaum clarify the course of events. Apparently, Rabbi Jacob had travelled to Galicia in order to arrange his divorce and, judging the matter to be of lengthy duration, had sold many of his belongings. His intention to return was, however, clearly evident in the conditional contract drawn up between himself and the congregation and deposited with R. Akiva Eger. Subsequently, hostile elements within the community sought to lower the rabbi's salary. It may have been this faction which brought Rabbi Jacob's immigration status to the attention of the government. Be that as it may, the *Landrat* issued a ruling denying R. Jacob Lorbeerbaum re-entry to Lissa on the grounds that he was of foreign citizenship and, having sold his belongings, had forfeited the rights of residence. The intervention of R. Akiva Eger was successful in uniting the Lissa congregation in the cause of their rabbi. However, the civil authorities again denied R. Jacob permission to return and attempts to revoke this governmental decision proved fruitless.¹¹

For a number of years Rabbi Jacob resided in Kalusz, once more assuming rabbinical duties there. Thence he moved to Stryj, Eastern Galicia, where he served as district rabbi until his death in 1832. It is noteworthy that, despite the fact that he never returned to Lissa and that he subsequently accepted other positions, he continued to the last to sign himself as Rabbi of Lissa.¹² In his testament (section 26) he urges his children to notify the congregation of Lissa of the day of his decease inasmuch as it was the custom of that community to recite a *kel male rahamim* (memorial prayer) publicly on every festival in memory of

their deceased rabbis.¹³

R. Jacob Lorbeerbaum's writings span the vast array of Jewish law and lore. They range from definitive works on halakhah and talmudic novellae to scriptural commentaries whose content is exegetic, homiletic and aggadic and which include frequent references to mystic doctrines. Of primary importance are those of his writings which are concerned with practical aspects of halakhah. *Havvat Da'at* is a commentary on *Shulhan Arukh, Yoreh De'ah* 69-201; *Mekor Hayyim* is a commentary on *Shulhan Arukh, Orah Hayyim*, 429ff. with notes on the commentaries *Ture Zahev* and *Magen Avraham*; *Netivot ha-Mishpat* is a commentary on *Shulhan Arukh, Hoshen Mishpat*. *Torat Gittin* and *Bet Ya'akov* are commentaries on *Shulhan Arukh, Even ha-Ezer* and the talmudic tractates *Gittin* and *Ketubot* respectively. *Kehillat Ya'akov* is a collection of discussions on various topics appearing in *Even ha-Ezer* and *Orah Hayyim*.

Rabbi Jacob of Lissa wrote individual commentaries on the five *megillot* which are referred to inclusively as *Imre Yosher*. His well-known commentary on the Passover *Haggadah* is entitled *Ma'aseh Nissim*. He also composed a short compendium of *dinim* (laws) printed as part of his arrangement of the prayer-book under the title *Derekh ha-Hayyim*. Known as the "Lissa Rav's *Siddur*," this work enjoyed great popularity and has been reprinted a number of times. Various writings, sermons on the Pentateuch, responsa, novellae and glosses on the Talmud were posthumously published in *Nahalat Ya'akov* and *Emet le-Ya'akov*. The former work also contains the text of his last will and testament.¹⁴

Reflections of a Personality

This testament reveals the ethical character and personality of R. Jacob Lorbeerbaum. After its initial publication (Breslau, 1849), it was reprinted together with the testament of R. Akiva Eger (Warsaw, 1875) and frequently thereafter. Mitnagdim and Hasidim alike cited its provisions and held it in high regard. The hasidic sage, R. Yehiel Danziger of Alexander, adopted it as his own and enjoined his followers "to observe with the force of a testament the will of the honored Jacob of Lissa of blessed memory."¹⁵

1. Study of Torah

The emphasis on the primacy of Torah study is hardly novel. The significant point is that the advice, while couched in affirmative language, is in actuality an admonition against acceptance of the educational philosophy and methodology which were widespread at the time. In effect, the testament offers a critique of pilpulism, undirected study and lack of concern with halakhic application.

2. Attitude to Hasidism

R. Jacob Lorbeerbaum spent most of his life in Galicia—then a stronghold of Hasidism. Some of the statements in the testament reflect his critical attitude towards hasidic practices. He cautions his sons to shun a life of constant rejoicing and gaiety and to disregard “those who say that it is meet that one be in joy all of one’s days” (sec. 8)—an obvious allusion to Hasidism. In contrast to hasidic views regarding asceticism, Rabbi Jacob favors self-abnegation and urges his sons not to let a month pass without fasting (sec. 14). Particularly pointed are his comments regarding kabbalistic *kavvanot* (meditations) and secrets. Although he valued study of the *Zohar*, he insisted that in prayer one should bear in mind the literal meaning of the words and the *kavvanot* prescribed by the *Shulhan Arukh*. In contemplating kabbalistic secrets there is too great a danger of “cutting the saplings.” Particularly incisive is his indictment of contemporary teachers of the Kabbalah:

Nowadays, one cannot rely on any person for instruction in this discipline, particularly [not] on those who have not become saturated with Talmud and Codes and who, nonetheless, have pretensions to this discipline. Do not believe and do not consent and do not listen to even a minor matter which proceeds from them (sec. 9).

These views notwithstanding, in practice, *Havvat Da’at* was not a militant opponent of Hasidism. His position was close to that of those mitnagdim who joined forces with the Hasidim in a concerted effort to stem the tide of the Haskalah and Reform movements. His primary concern was that his disciples assume the responsibility of active leadership in Orthodoxy. Regarding two of his hasidic students who accepted rabbinical positions he wrote: “Is it not fitting that students of descendents of the Besht find a means to fence the breach in Germany?”¹⁶ Indicative of the fact that *Havvat Da’at* was not an extreme mitnaged are his most cordial personal relationships with hasidic leaders such as R. Bunim of Peshischa and the Maggid of Kosnitz. His son-in-law, Eleazar ha-Kohen of Plotosk, and his granddaughter’s husband, David Dov Meisels, were both prominent hasidim of the *Kotzker Rebbe*. Indeed many of his former students were active proponents of Hasidism.¹⁷

3. Attitude to the Rabbinate

Rabbi Jacob exhorts his sons to be wary of accepting an appointment to the rabbinate (sec. 7). This is not merely a token admonition. It reflects a deeply-rooted attitude of *Havvat Da’at*.¹⁸ As noted, he himself accepted his first post in Monasterzyska only after his commercial endeavors had

failed and he had no alternative means of sustenance. His negative view of rabbinical office persisted throughout his life, doubtless bolstered by the many disappointments he experienced in Lissa. In his final wishes, he adjures his sons:

On the tombstone do not write either "Rabbi" or "Gaon" for perhaps I have sinned by assuming the role of rabbi for I was not worthy of it. Why, then, should my sin be remembered constantly?

The reason for the testator's attitude is of paramount importance: it is his seriousness as *posek* and his grave concern lest there be any error in halakhic decision. It is instructive to compare the testament with his remarks in the introduction to *Havvat Da'at*:

I did not compose this work for self-aggrandizement, nor for the purpose of rendering halakhic decisions for I, myself, know that I am not competent to render decisions. . . . Accordingly, I have called this work *Havvat Da'at* [expression of opinion], its name indicating of it that I wrote it solely to express opinion and not, God forbid, to establish halakhah.¹⁹

He was no less concerned with regard to rendering judgment in monetary disputes, fearing that a possible error might cause unlawful financial loss to one of the litigants. This concern manifests itself in his further instruction to his sons that in the event that one of them should accept a rabbinical office he should stipulate in advance that his decisions on litigation be accepted as a form of arbitration "whether it be in accordance with the law or in error" rather than in the guise of a purely halakhic decision.

It is of interest to note that R. Jacob Lorbeerbaum's grandson, R. Abraham Teumim, did accept a rabbinical position in the town of Zborow, Galicia. It is related that Rabbi Jacob cautioned his youthful grandson to be well-acquainted with the calendar for, to the uneducated layman, such knowledge serves as an indication of the rabbi's scholarship. Furthermore, he is said to have charged the youth: "If you desire to be a rabbi you must be able to swallow needles point-first without emitting the slightest sigh and without batting an eyelash."²⁰

4. Halakhic Rulings and Observance of the Law.

A number of provisions of the testament shed light on the halakhic opinions of *Havvat Da'at*. Examples are his stringencies regarding smoking on the first day of the festivals (sec. 10), the qualified view he takes of shared ownership of an *etrog* (sec. 15), and his insistence upon a separation of six handbreadths between graves (sec. 26).²¹

The testament clearly reveals that Rabbi Jacob was thoroughly at-

tuned to the ethical implications of the law and, paralleling his careful guardianship of the minutiae of observance, was a concern regarding all facets of ethical conduct. For him meaningful study and *shmirat hamitsvot* (observance of the commandments) must ultimately mold personality. The folk-stories and legends surrounding *Havvat Da'at*'s own life portray him as a man of humility who shied away from all public expression of honor.²² In light of his repeated exhortations regarding humility and "study for the sake of Heaven" one should note that his own books were originally published anonymously and that he requested that all laudatory titles be omitted from his tombstone.

The Testament: Selections

It is written in the Torah, "For I have known him, to the end that he may command [may give a testament to]his children and his household after him, that they may keep the way of the Lord. . . ." (Genesis, 18:19). Now, if the giving of a testament to one's descendents brings about the love of the Lord, blessed be He, then it is meet and proper for every person to have before him in written form words which touch upon the ways of God and the fear of Him so that this shall be left for his progeny after him. Perhaps they will be receptive to his message, so that he will thereby merit to have his soul bound up in the bond of life. Consequently, I have resolved to write down rules of conduct which affect the fear of the honored and revered Name.

1. My beloved sons! The first thing regarding which a person is judged is Torah study. You should have a regular study period each day for Scripture and Mishnah. Although our Sages said, "The Babylonian Talmud is blended of them all," they had already previously been saturated with Scripture and Mishnah. Besides, the evil inclination to learn for an ulterior motive has no dominance over the study of Scripture and Mishnah. Even though you have not seen me do so, in my youth I did so; but in my old age time was treacherous to me; I was very much occupied, so that I was not able to fulfill that which was in my heart.

2. Should you be privileged to become Torah scholars, schedule for yourselves each day the nonanalytic study of not less than one folio of Gemara following the order of the Talmud, in addition to a period of analytic study. This shall be an inviolable rule. Should you become proficient enough to discuss novellae of Torah study, schedule one hour every day for penetrative study, for the essential query will be, "Did you engage in discussions of wisdom?" Your penetrative study should be with a view to establishing harmony with the halakhah—not like the customary kind of casuistry prevalent in our generation through our many sins.

3. Study a folio or a page of *Shulhan Arukh*, *Orah Hayyim* each day and see to it that you be well-versed in the laws, for most of the laws of *Orah Hayyim* are encountered at times when it is impossible for a

person to investigate or to consult a scholar. I have already composed a book containing the order of prayer accompanied by all the laws in order to acquire merit for my soul. Also establish a study period in the holy *Zohar* every Sabbath. Repeat and repeat again all that you study, for on the basis of studying a thing one time it is impossible to remember it, as it is stated in *Eruvin* 54, “The cunning hunter will not last long”

4. Study the Psalms according to the literal meaning of the words many times over, and let it be fluent in your mouths with the commentary of Rashi, so that you will understand well when you recite [the Psalms] as a supplication. Be careful to recite five chapters every day—no less—for through this the heart becomes instilled with ardor for the service of the Lord, Blessed be his Name. Long ago David requested that [this recitation] be deemed comparable to engaging in the study of the tractates of *Nega'im* and *Ohalot* and in this there is no question of ulterior motivation.

5. See to it that you study so that you be properly proficient in the laws pertaining to the establishment of anticipated menstrual cycles, for through our many sins this halakhah has been well-nigh forgotten among Israel. . . .

6. Supervise well the teachers of children, for through our many sins the holy Torah and its students have become greatly diminished and must be sought like hidden treasures. Do not leave little children among the big ones, for through our many sins the generation is unchaste, and they teach them base and empty things. Especially on the Sabbath and the holidays place additional supervision upon your children that they do not mix with insolent children, for this requires great vigilance, and you must warn the teachers exceedingly about this. When they reach the age of eight or nine, see to it to study one tractate with them in order. The children should review it constantly until it is fluent in their mouths, for having studied one's lesson one hundred times is not the same as [having studied it one-hundred-and-one times]. Moreover, see to it that the children understand the manner in which laws are derived from that which they have studied. Should you be privileged to become Torah scholars, you will yourselves understand the goodness of learning.

7. Strive greatly to avoid accepting a rabbinical appointment. For if the Ancients whose hearts were open wide as the door of a hall said of themselves [with regard to this], “Of my own free will I am going to meet death,” what are we—most bereft of orphans—to say after them? And should you be compelled by great need to do so, be careful to request at the very outset, as you arrive in the city, that they accept [your decision] upon themselves whether it be in accordance with the law or in error. Likewise, if you are accepted [to render] judgment in some place, state at the outset that the parties to the litigation should accept you whether

the decision be in accordance with the law or in error—inasmuch as error is very frequent. Or say to the parties prior to the close of the litigation that you are judging merely according to your own discretion: “It is possible that we may have erred, therefore, accept [the decision] whether it be in accordance with the law or in error.”

8. My beloved children! How exceedingly should you further yourselves from mirth and merriment! For how can man rejoice, when every day he hastens to sin! If a man’s life were forfeit to a mortal king how could he rejoice on *Purim* or on a festival? All the more so when he merits the death penalty by the requirement of the King of kings, the Holy One, Blessed be He! Do not listen, then, to those who say that it is meet that one be in joy all of one’s days. For all this belongs to the scheming of the evil inclination, since merriment and levity accustom a person to sexual license. In all melancholy there is advantage except that at the time of the performance of a precept or [at the time of] Torah study a person should concentrate and rejoice in the heart, but not with the accompaniment of levity, for levity is a very evil trait.

9. In prayer think of the literal meaning of the words and, when mentioning the honored and revered Name, think of what is explained in *Shulhan Arukh, Orah Hayyim*. With respect to contemplation of the mysteries according to the wisdom of the Kabbalah particular vigilance and caution is needed, lest one come to cut the saplings. Nowadays, one cannot rely on any person for instruction in this discipline particularly [not] on those who have not become saturated with Talmud and Codes and who nonetheless have pretensions to this discipline. Do not believe and do not consent and do not listen to even a minor matter which proceeds from them. We have never heard of anyone who had a true understanding of this discipline, except for those who were very keen of intellect, such as Nachmanides and Rabbi Isaac [Luria], and similar individuals, the memory of the righteous be a blessing. In spite of that, however, their main subject of study was the Talmud and the Codes, as explained in the books of Nachmanides and Rabbi Solomon ben Aderet, *q.v.*

10. My beloved sons! Be extremely meticulous with respect to the prohibition of the produce of the new harvest, as well as with respect to smoking tobacco on the first day of a festival and things of a like nature—matters which touch upon a biblical prohibition. In matters of this sort, which touch upon a biblical prohibition, one cannot rely upon the leniencies espoused by the latter-day scholars in order to defend the custom, for Rabbi Nissim has already written in his responsa that we must not rely on our own judgment with respect to something which touches upon a biblical prohibition. However, regarding a matter which involves merely a rabbinic prohibition, such as dregs of the produce of the new harvest, which involves merely the factor of being an emulsifier

and similarly smoking tobacco on the second day of the festival and in similar instances, one may rely on them.

11. How extremely distant should you keep yourselves from the character trait of pride! The Sages stated with double emphasis, “Exceedingly, exceedingly be humble and meek of spirit, for the hope of men is vermin.” If a person think of his sins, which are so numerous that they overpower him, he will surely flee the trait of pride, for a sinner has nothing of which to be proud. Always bear in mind, though you be men of money and wealth, that all is in the hands of God. Always imagine to yourselves that all the misfortunes and tragedies conceivable in the world have already befallen you. After all, it is possible—for you see with your own eyes that people are smitten with many accidents and injuries, and you, too, are formed out of mortal substance just as they. By means of this concept you will dispel the traits of pride and anger. For can your heart be staunch, can your hands be strong, when the sore injuries which are man’s destiny enter your recollection? Stay away even from beautiful clothing—for how can it occur to a sinful person, whose destiny is suffering, to adorn himself?

14. Although it is meet for a person to spend all his days in fasting and mortification of the flesh, as we find that the tanna’im fasted on account of minor and insignificant matters until their teeth became blackened, what shall we, rebellious and sinful people, respond to them? What can we do for atonement? It would certainly be proper for us to fast and castigate ourselves to the point of death! However, inasmuch as the generation is frail—especially you whom I know to be frail of constitution so that you cannot castigate yourselves—nevertheless see to it that a month does not pass without fasting unless you recognize in yourselves frailty. In such a case increase your study of Torah and performance of good deeds, as our Sages, of blessed memory said, “If a person has committed bundles of transgressions let him perform bundles of good deeds.”

15. Do not, God forbid, be stingy in fulfilling a precept. When the Feast of Tabernacles arrives, see to it that each one purchase for himself an individual *etrog* for his own use or in partnership with some learned person who knows how to transfer property on condition of subsequent return, and one should say to the other expressly: “I am giving it as a gift on condition of subsequent return,” in accordance with the opinion of the Gaon whose words are cited in *Hagahot Maimoniyot* on Maimonides’ Code, Laws of the *lulav*. Even though he has there raised a question regarding this view, nonetheless, I agree with his opinion and in my novellae I have resolved the question he has raised. Especially [should one do so] since one should meet the requirements of all the schools of thought and not rely on the congregational *etrog*. Similarly, for every single precept, study every halakhic regulation at its proper time in *Shul-*

han Arukh, Orah Hayyim, so that you shall know all the laws clearly.

17. I hereby admonish you to schedule a study session in books of ethics each day. Through our many sins our heart has become petrified, and by means of the books of ethics, the petrified will become softened.²³ The general rule is: for the sake of the Lord! See to it, and act accordingly, that the greater part of the 24-hour span be spent in Torah study, in scheduled lessons, as our Sages, of blessed memory, have said, “Minimize your business activity and engage in Torah study.”

18. How exceedingly should you take heed not to speak any evil about a person, even though he do the deed of Zimri, for certainly your heart well knows that among you, too, there are evil things, and perhaps the evil which is in you overweighs the evil which is in him, and how can you dare to speak evil about your fellows? Especially since the greatness of the sin of evil speech is known—its guilt is too great to be forgiven!

19. When a person is ushered in for judgment, he is asked: “Have you been honest in business?” Consequently, you should have one basic rule in financial matters: Whenever you have any scruple with regard to a monetary dispute which you have with another person, do not decide independently, but consult a scholar—even though all of you be scholars—for a person does not see wrong in himself. And if your fellow man’s money should come into your hands, without his knowledge, and you have a monetary claim against him, do not say: “Since it has come into our hands, we have taken possession of it—and I will not inform him at all, but will seize it in lieu of what is owed to me by him.” And even by asking the opinion of a scholar do not rule it permissible for yourselves, for this “first one is righteous in his litigation, then comes his fellow and subjects him to questioning.” And even if, in your opinion, the obligation is clear—perhaps he has a claim of a possible previous debt against you [do not rule it permissible] until you notify him and tell him: “Know that so and so much of yours is in our possession and now let us go to court together.” Our Sages, of blessed memory, have said in *Berakhot*, Chapter 1, with respect to Rav Huna whose four hundred barrels of wine turned sour, that the Sages considered it a sin on his part that he did not give the sharecropper the tendrils, although he said to them, “Did he give me anything?” Certainly Rav Huna said the truth and the sharecropper did steal many times that amount from Rav Huna, nevertheless they said, “Steal in the wake of a thief and taste the flavor of theft.” Of course, this was because he had not notified the sharecropper, for had he done so with the knowledge of the sharecropper he would not at all have been at fault. For a person is entitled to assert his rights. This is what they meant by saying “in the wake of a robber.” However, if one notifies one’s fellow, it is permitted; whereas without notifying him it is forbidden, even upon consultation with a learned man.

For so long as the defendant is not present it is impossible he know, “whether the first is righteous in his litigation.” Besides, he may possibly have a claim against him stemming from a previous debt, and perhaps through the questioning of the second party in the presence of the scholar, the matter will be clarified. Moreover, if the matter becomes known it may lead to a desecration of the Divine Name . . .

20. Should you be privileged to become Torah scholars study the laws of usury with thorough analysis before embarking upon commercial activity, so that you may be proficient in all their regulations, for a person may easily stumble in a business activity, with respect to the prohibition of usury and all the more so in lending activities. Before embarking upon any business transaction, a person should weigh the matter in his mind as to whether it touches upon the prohibition of usury, for a person may easily err in this, as in selling on credit for a price above the value, and many things of a similar nature which do not lend themselves to detailed enumeration. For those laws a great deal of study is required inasmuch as [usury] is a halakhah of great severity.

21. How exceedingly do I admonish you to desist very, very much from having others rely on your trustworthiness, so as not to cause suspicion to fall upon you. Besides rationalization in these things is frequent especially in view of the sway that the lust for money exercises. Consequently, be very careful not to get into such a situation—unless it should prove entirely impossible to avoid it.

22. Furthermore, I admonish you not to cause any person to take an oath, God forbid. Is it then a trifling matter, that which is written in this regard, “Turn aside from the tents of these evildoers?” And if the Merciful One has called such a person an evildoer, it is better that one lose all one’s money rather than that one be an evildoer for one hour before the Lord. And should a person have an obligation of an oath towards you, substitute for it the acceptance of a *herem*—for thus you will avoid damage. In any event, he who is suspect with regard to a *herem* is suspect also with regard to an oath, and by a *herem* you will not commit a misdeed, for anyone who robs his fellow of his money merits to be put in *herem* by law. It should be all the more self-understood that you should not swear in contradiction of any person in any monetary matter, unless it be a time of severe need.

23. Distance yourselves greatly from entering into litigation, and should you have any disagreement with your fellows, settle the matter by compromise and do not bring the matter to litigation for the ignominy of litigation is great. See also, my children, the doctrine of the Sages, of blessed memory: “Jerusalem was destroyed solely because they insisted on the rigidity of Torah law in their disputes.” And if they attributed the destruction of Jerusalem to this, how fitting is it then to desist from it as far as humanly possible!

24. I also admonish you that, should you have any dealing with any person who does not understand well, explain the matter clearly and cause him to understand every detail. Do not say: "What matter? He has agreed, and agreed is agreed." Do not entertain such an idea, for you may easily transgress the prohibition "Do not deceive . . ." And what of the maxim of the Merciful One, "Love your neighbor as yourself"? One should merely do everything according to the same justice one asks for oneself. And what is disagreeable to you do not do to others. Take heed not to borrow more than the amount of money you possess for nothing impedes God from granting succor, whether with much or with little. Should you not be able to conduct business with a small quantity of money, then accept the money in return for a share of the profit but not as a loan.

26. Select for me a place where there is an empty space the size of a cubit of six handbreadths on each side, for our Sages were very particular about this. Throughout the seven days of mourning gather ten learned men in your houses to study Mishnah and have them say prior to the study: "We are studying for the merit of his soul." Thereafter, you should recite *Kaddish*. Afterwards schedule for yourselves the study of Mishnah for one entire year, and do likewise on every *yahrzeit*, and say that it is for the merit of my soul. Eulogize me, and if you cannot do so yourselves hire eulogizers, inasmuch as our Sages, of blessed memory were very particular about this, and certainly they were not particular about it because of mere vanity. Certainly it has some benefit though there is none among us who knows its extent, but their mind was broader. Notify the community of Lissa immediately of the day of my decease, inasmuch as they have a beautiful custom with respect to their deceased rabbis—they recite a *kel male rahamim* for them publicly on every festival. I ask the Torah scholars to study Mishnah for my sake every year, for the merit of my soul, and their reward will be doubled by Heaven.

27. On the tombstone do not write either "Rabbi" or "Gaon," for perhaps I have sinned by assuming the role of rabbi, for I was not worthy of it. Why, then should my sin be remembered constantly? After all, the angels cover their feet, so that the sin of the calf be not remembered. Only my name alone should be inscribed. Write "the author of," followed by the titles of the books I have authored, for if but one good item be found in the entire book it deserves to be mentioned as a merit.

28. All the novellae which I have produced in halakhah and aggadah appear according to my meager intellectual faculties to be true. I have repeated them to a number of outstanding scholars, who have praised them. My request of you is that you see to bring them to publication and should the merit of my ancestors cause you to become scholars too, then test my words by the penetrative powers of your minds, and select what you consider best assigning it the priority of being printed. However, even that which does not seem right in your eyes do not erase from the

book—for the words of the Torah are poor in one spot and rich in another. And when you bring my words to publication [write my name on the book]. Even though I myself did not write my name on the book, for through our many transgressions hatred and jealousy reign in our generation, and perhaps some will say, “This one, too, is among the authors!” and without thorough study will scorn it whereas, not knowing the author’s name, they will look deeper into it. I hope with God’s help that after deeper study they will find good things in it. However, now that many of my writings will have been printed and, with God’s help, accepted, when you publish, write my name on the work. After all, is it a trifling matter that which David said, “Let me dwell in Thy tent forever”? Our Sages of blessed memory explained this as meaning that when a halakhic concept is recited in a person’s name, his lips move in the grave. Likewise, see to it to print once again the published works, and to my book *Netivot ha-Mishpat* add the notes I have written in the margin.

29. I have in my possession works composed by my father, my master, the remembrance of the righteous be a blessing. Select such good and choice things which you find therein and bring them to publication. You will certainly be amply rewarded for this for my soul knows exceedingly the immense longing my father, my teacher, of blessed memory, had that this should come to pass. Fast and do thorough repentance before God on his *yahrzeit* each year, for the merit of the sons is of avail to atone for the sins of their parents.

NOTES

1. Abraham Isaac Bromberg, *Ha-Gaon R. Ya'akov Lorbeerbaum mi-Lissa* (Jerusalem, 1957), p. 9. Some novellae of Jacob Moses of Zborow were published by his son and appended to *Mekor Hayyim* (Zolkiev, 1807).
2. Isaac Lewin, “*Le-Toldot ha-Gaon Ba'al havvat Da'at Z.T.L.*,” *The Leo Jung Jubilee Volume*, ed. Menachem M. Kasher et al. (New York, 1962), p. 167. It is possible that he was born after his father’s demise and was therefore named “Jacob.” Cf. Bromberg, p. 10.
3. Cf. Shevach Knobel, *Gerem ha-Ma'alot* (Lemberg, 1914), p. 14 and p. 24, note 32.
4. Isaac Lewin, p. 167, gives the approximate date as 1791. See note 2, *loc. cit.*, for identification of the city as Kalusz, Galicia rather than Kalisz, Poland as erroneously listed in the various biographical sketches.
5. The communal officials of Lissa resolved to offer the Lissa rabbinate to the anonymous author of *Havvat Da'at* purely on the strength of the scholarship evidenced in that authoritative work. They apparently had no other knowledge of, or further information concerning, R. Jacob. See the rabbinical contract sent by the Lissa community, published in Isaac Lewin, p. 174.
6. Cited by Bromberg, p. 25.
7. See the responsum of R. Jacob Lorbeerbaum included in *Eleh Divrei ha-Berit* (Altona, 1819), pp. 76-82. Cf. Bromberg, pp. 40-42.
8. Naphtali Z. Chachamowicz, in an introductory note to the Breslau, 1849 edition of *Nahalat Ya'akov*, notes that Rabbi Jacob left Lissa “on account of certain undisclosed reasons that were known at the time only to select individuals in that city.” Financial considerations were

- not the motivating factor for his departure. Louis Lewin, *Geschichte der Juden in Lissa* (Pinne, 1904), p. 218, records that his initial salary was increased substantially.
9. Bromberg, pp. 46-48.
 10. Salomon Schreiber, *Iggerot Soferim* (Vienna, Budapest, 1933), p. 88, note 1.
 11. Isaac Lewin, pp. 169-174. Tireless in his attempts to reinstate his colleague as rabbi of Lissa, R. Akiva Eger continued to admonish the heads of the Lissa community not to accept the governmental decree as final, "not to be silent regarding this and not to despair of the matter." *Ibid.*, p. 185.
 12. Bromberg, p. 53.
 13. Louis Lewin, p. 220, note 4, cites the memorial tribute to R. Jacob Lorbeerbaum included in the Lissa Synagogue record book.
 14. Originally published in Breslau, 1849, a photo offset edition of this work was published in New York, 1961.
 15. Bromberg, p. 6.
 16. *Ibid.*, pp. 127-8.
 17. *Loc. cit.*
 18. It is noteworthy that Rabbi Jacob's close friend and colleague R. Akiva Eger also expressed a strong antipathy to holding rabbinical office. In one letter he wrote: "All my life I have detested the rabbinate. . . . True, many have been rabbis before me and many will yet be. Lo, many have crossed strong seas in boats and many more will. That does not make the sea safer. . . . Each day my life is a misery because of the rabbinate." *Iggerot Soferim*, pp. 11-13.
 19. Included in *Shulhan Arukh, Yoreh De'ah*, I (reprinted, New York, 1953), following p. 602.
 20. Bromberg, p. 70.
 21. The inscription on the reverse side of R. Jacob Lorbeerbaum's tombstone reads: "There shall be an empty space the size of a cubit of six handbreadths on each side of this grave for thus was the testament of the author of *Sefer Havvat Da'at* who lies here." Louis Lewin, p. 222, note 1. Of particular interest is a similar insistence on the part of his great-grandfather Hakham Zevi in a ruling regarding local burial practices addressed to the communal leaders of Amsterdam. Zevi Ashkenazi, *She'elot u'Teshuvot Hakham Zevi* (Amsterdam, 1712), no. 149.
 22. Bromberg, pp. 65-68.
 23. This provision of the "holy testament" of Rabbi Jacob of Lissa is cited by R. Isaac Blaser, *Sha'arei Or*, section 5, included in *Or Yisrael* (London, 1951), p. 24.